



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

APR 11 2014

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C) EPA
FROM: Arthur Elkins, Inspector General *Arthur C. Elkins*
TO: (b) (6), (b) (7)(C)
REFERENCE: OIG Case No. OI-AR-2012-ADM-0190

RESTRICTED INFORMATION

The U.S. Environmental Protection Agency (EPA) Office of Inspector General (OIG) initiated this investigation based on information received regarding allegations of employee misconduct by (b) (6), (b) (7)(C).

The enclosed report of investigation details three allegations of misconduct that were investigated by the OIG. Two of the allegations were found to be supported and the third was unsupported. The supported allegations involved (1) (b) (6), (b) (7)(C) having a close personal relationship with a subordinate EPA employee, which presents the potential of an appearance of impartiality in (b) (6), (b) (7)(C) supervision of the EPA employee and (2) (b) (6), (b) (7)(C) use of (b) (6), (b) (7)(C) EPA computer and EPA email account for matters related to a non-profit organization, including (b) (6), (b) (7)(C) communicating with the EPA employee regarding the non-profit organization. The third allegation, which the OIG found to be unsupported, alleged (b) (6), (b) (7)(C) was having a sexual relationship with the subordinate EPA employee and, because of the sexual relationship, (b) (6), (b) (7)(C) gave the EPA employee awards and promotions.

These actions may have violated provisions of the following titles of the Code of Federal Regulations and/or EPA Orders:

Title 5 CFR §2635.502	Personal and Business Relationships
Title 5 CFR Subpart G § 2635.705(b)	Use of Official Time
EPA Order 3120.1 (11)	Using government property or Government employees in duty status for other than the official purpose

This information is submitted for your consideration and decision as to whether administrative action is warranted. Note that this report and its enclosures were redacted in order to provide confidentiality as requested by the subordinate EPA employee. Please have your staff respond to

Assistant Inspector General for Investigations (AIGI) Patrick Sullivan at (202) 566-0308 or Sullivan.Patrick@epa.gov with your decision within 30 days of the receipt of this document.

Attachment:

1. Report of Investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
EPA WEST BUILDING
WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C)

(ET AL)

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(b) (6), (b) (7)(C)

With Attachments

Bob Perciasepe
Deputy Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Informational Purposes Only-No Attachments

Submitted by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Professional Responsibility

Approved by:

(b) (6), (b) (7)(C)

Deputy Assistant Inspector General for
Investigations
Office of Investigations

Reviewed by:

Patrick H. Sullivan 4/7/14

Patrick Sullivan
Assistant Inspector General
Office of Investigations

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-AR-2012-ADM-0190 **DATE OPENED:** 4/24/2012
CASE TITLE: (b) (6), (b) (7)(C) **CASE AGENT:** (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C)
 (ET AL)
CASE CATEGORY: EMPLOYEE INTEGRITY **OFFICE:** OFFICE OF INVESTIGATIONS - HEADQUARTERS
JOINT AGENCIES: NONE
JURISDICTION: (b) (6), (b) (7)(C)

SECTION A - NARRATIVE

Introduction

On or about April 24, 2012, the Environmental Protection Agency (EPA), Office of Inspector General (OIG), hotline received an anonymous complaint, via email, alleging that (b) (6), (b) (7)(C) EPA, had a sexual relationship with a subordinate EPA employee (EPA employee¹), and that because of this sexual relationship, the EPA employee received a large cash award and was promoted over other more qualified candidates. Additionally, a separate allegation that two other EPA officials also had inappropriate relationships with their subordinates was reviewed and found to be without merit². During the course of the investigation, three additional issues were addressed. The OIG investigated the following:

- (b) (6), (b) (7)(C) and the EPA employee had a close personal relationship that presents the potential appearance of impartiality in (b) (6), (b) (7)(C) supervision of the EPA employee.
- (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA computer and EPA email account for matters related to a non-profit organization, the (b) (6), (b) (7)(C)³ including communicating with the EPA employee about the (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C) had a sexual relationship with the EPA employee and, because of the sexual relationship, (b) (6), (b) (7)(C) gave the EPA employee cash awards and promotions (Exhibit 1).

Possible violation(s)

Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.502
 Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.705(b)

¹ This EPA employee requested confidentiality, which is why in this Report of Investigation, along with the associated exhibits, his/her name is redacted.

² Since these additional allegations were unsupported, and have no relevance to this Report of Investigation, the names of those individuals have been redacted.

³ [http://www.\(b\) \(6\), \(b\) \(7\)\(C\)](http://www.(b) (6), (b) (7)(C))

Impact/Dollar Loss

The non-adherence to EPA policy and regulations could diminish the public trust, the integrity of the office, and program functionality.

Synopsis

The initial allegation that (b) (6), (b) (7)(C) engaged in a sexual relationship with a subordinate EPA employee was unsupported. Therefore, the sub-allegation that (b) (6), (b) (7)(C) gave the EPA employee cash awards and promotions due to a sexual relationship was not substantiated. However, (b) (6), (b) (7)(C) had a close personal relationship with the EPA employee, which included the EPA employee's volunteering for the (b) (6), (b) (7)(C), which raises the potential appearance of impartiality of (b) (6), (b) (7)(C) supervision of the EPA employee. (b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) of the (b) (6), (b) (7)(C). In addition, (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA computer and email for (b) (6), (b) (7)(C) matters and on one occasion asked the EPA employee, via email, to review a document for the (b) (6), (b) (7)(C).

Details**Investigation Disclosed Allegations Supported****Allegation 1:**

(b) (6), (b) (7)(C) and a subordinate EPA employee had a close personal relationship that presents the potential appearance of impartiality in (b) (6), (b) (7)(C) supervision of the EPA employee.

Allegation 1 Findings:

Allegation supported. The investigation disclosed that (b) (6), (b) (7)(C) had a close personal relationship with a subordinate EPA employee, which (b) (6), (b) (7)(C) described as such.

Allegation 1 Investigative Results:

On March 27, 2013, (b) (6), (b) (7)(C) was interviewed and asked if (b) (6), (b) (7)(C) had a personal relationship with the EPA employee aside from his/her volunteer work for (b) (6), (b) (7)(C) non-profit organization, the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) responded that (b) (6), (b) (7)(C) did know the EPA employee both closely and personally, and that they did talk about personal things that happened in their respective lives. (b) (6), (b) (7)(C) stated there is a "perception" in the office and that the EPA employee is a "victim" because they (b) (6), (b) (7)(C) and the EPA employee) have a close working relationship. (b) (6), (b) (7)(C) explained that the EPA employee had gone through some tough times and that (b) (6), (b) (7)(C) was there to support the EPA employee. (b) (6), (b) (7)(C) added that it would be easy to misunderstand that they (b) (6), (b) (7)(C) and the EPA employee) had a sexual or personal relationship; however, (b) (6), (b) (7)(C) tried to be nothing other than a mentor. (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) had a personal relationship with many of (b) (6), (b) (7)(C) staff, since they all attended Christmas parties and other group functions together. (b) (6), (b) (7)(C) denied ever having a sexual relationship with the EPA employee (Exhibit 2).

On March 27, 2013, the EPA employee was interviewed and asked about his/her relationship with (b) (6), (b) (7)(C). The EPA employee explained that, for a short period of time, the EPA employee and (b) (6), (b) (7)(C) had

physical, but non-sexual, contact that the EPA employee may have initiated. The EPA employee indicated that he/she considers (b) (6), (b) (7)(C) a friend and a good person. The EPA employee stated that he/she had "no hostility whatsoever" towards (b) (6), (b) (7)(C) and that there was no abuse of authority on (b) (6), (b) (7)(C) part. The EPA employee also stated he/she did not feel threatened by (b) (6), (b) (7)(C) and that he/she was not trying to protect (b) (6), (b) (7)(C) (Exhibit 3).

(b) (6), (b) (7)(C), during (b) (6), (b) (7)(C) March 27, 2013 interview, was asked if (b) (6), (b) (7)(C) had a relationship outside of work with the EPA employee. (b) (6), (b) (7)(C) responded, "Yes, as it relates to my (b) (6), (b) (7)(C) organization." (b) (6), (b) (7)(C) confirmed the EPA employee volunteered for (b) (6), (b) (7)(C) organization. (b) (6), (b) (7)(C) stated that there could be an appearance issue, but that the EPA employee did not have to volunteer his/her time. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was only "guilty" of one thing, which was having a relationship with an employee who volunteered for (b) (6), (b) (7)(C) organization. (b) (6), (b) (7)(C) explained that it was unacceptable to (b) (6), (b) (7)(C) to do anything that would even look like an abuse of (b) (6), (b) (7)(C) power over (b) (6), (b) (7)(C) employees (Exhibit 2).

The EPA employee was asked if he/she had a personal relationship with (b) (6), (b) (7)(C). The EPA employee stated that he/she did have a limited personal relationship and that they both volunteered for an organization called the (b) (6), (b) (7)(C) (Exhibit 3)

Allegation 2:

(b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA computer and EPA email account for matters related to a non-profit organization, the (b) (6), (b) (7)(C) including communicating with the EPA employee about the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Allegation 2 Findings:

Allegation supported. A review of (b) (6), (b) (7)(C) EPA emails identified approximately thirty (30) emails with keywords relating to the (b) (6), (b) (7)(C) as well as an email from (b) (6), (b) (7)(C) to the EPA employee which asked him/her to review a (b) (6), (b) (7)(C) document.

Allegation 2 Investigative Results:

A breakdown of the keywords of (b) (6), (b) (7)(C) emails from 2006-2009, which relate to the (b) (6), (b) (7)(C) is as follows (Exhibit 4):

Keyword	(b) (6), (b) (7)(C) email account
(b) (6), (b) (7)(C)	13
(b) (6), (b) (7)(C)	2
(b) (6), (b) (7)(C)	1
(b) (6), (b) (7)(C) Conference	2
(b) (6), (b) (7)(C) Conference	2
(b) (6), (b) (7)(C) Conference	1
(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)	6
(b) (6), (b) (7)(C)	2
(b) (6), (b) (7)(C) contacts	1
	Total: 30

On (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) sent an EPA email to the EPA employee asking: "[EPA employee] can you take a look at this for format? I need to keep it to one page. Thanks." The email attachment was titled (b) (6), (b) (7)(C) celebration (Exhibit 5).

Investigation Disclosed Allegations Unsupported

Allegation 3:

(b) (6), (b) (7)(C) had a sexual relationship with a subordinate EPA employee and, because of the sexual relationship, (b) (6), (b) (7)(C) gave the EPA employee cash awards and promotions.

Allegation 3 Findings:

Allegation unsupported. This investigation did not reveal evidence to substantiate the allegation that (b) (6), (b) (7)(C) engaged in a sexual relationship with a subordinate EPA employee. Therefore, (b) (6), (b) (7)(C) did not give the EPA employee cash awards and promotions because of a sexual relationship.

Allegation 3 Investigative Results:

(b) (6), (b) (7)(C) denied ever having a sexual relationship with the EPA employee (Exhibit 2). The EPA employee denied having a sexual relationship with (b) (6), (b) (7)(C), although the EPA employee did state that they engaged in some physical contact (Exhibit 3). (b) (6), (b) (7)(C) stated that any awards the EPA employee received had nothing to do with a personal relationship between them (Exhibit 2). The EPA employee was asked if he/she and (b) (6), (b) (7)(C) ever discussed his/her receiving promotions or bonuses. The EPA employee replied they, "Never talked about it." (Exhibit 3)

(b) (6), (b) (7)(C) was also asked if the EPA employee's volunteer work for the (b) (6), (b) (7)(C) influenced (b) (6), (b) (7)(C) authorization of any awards or promotions the EPA employee received. (b) (6), (b) (7)(C) explained any promotions or awards the EPA employee's received had "nothing" to do with him/her volunteering for the (b) (6), (b) (7)(C), and that (b) (6), (b) (7)(C) would, "put [the EPA employee's] work against anybody in the organization." (b) (6), (b) (7)(C)

Disposition

This Report of Investigation is being provided to (b) (6), (b) (7)(C) [REDACTED]
[REDACTED] for your review and any administrative remedies or actions you deem appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) EPA
Role: Subject
Business Address: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

ADMIN/CRIMINAL/CIVIL ACTION(S):

This case was investigated as a purely administrative matter. As such, no criminal declination was sought or received from the United States Attorney's Office.

EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
Complaint Initiation	1
Memorandum of Interview, (b) (6), (b) (7)(C) dated March 19, 2013	2
Memorandum of Interview, EPA employee dated March 18, 2013	3
Memorandum of Activity, Forensic Review of (b) (6), (b) (7)(C) and EPA employee email accounts dated February 11, 2014	4
Email dated February 2, 2009 from (b) (6), (b) (7)(C) to EPA employee	5
Memorandum of Activity, EPA employee Promotions and Awards	6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: JANUARY 26, 2015

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2013-ADM-0081

CROSS REFERENCE #: HOTLINE 2013-075

TITLE: (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

VIOLATION: Program integrity violation(s) – Impartiality in performing official duties

ALLEGATION: (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was impartial in performing official duties allegedly due to romantic relationship with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

FINDINGS:

- This investigation found (b) (6), (b) (7)(C) engaged in an inappropriate relationship with (b) (6), (b) (7)(C) subordinate, (b) (6), (b) (7)(C) but it did not prove (b) (6), (b) (7)(C) impartiality in performing official duties.
- On January 15, 2013 and February 21, 2013, the Office of Professional Responsibility (OPR) received for action two anonymous complaints.
 - The first alleged (b) (6), (b) (7)(C) engaged in a romantic relationship with (b) (6), (b) (7)(C) and potentially promoted (b) (6), (b) (7)(C) friends over those more qualified for multiple positions within (b) (6), (b) (7)(C)
 - The second also alleged (b) (6), (b) (7)(C) engaged in a romantic relationship with (b) (6), (b) (7)(C) and added (b) (6), (b) (7)(C) attempted to “direct promote” (b) (6), (b) (7)(C) to the position of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) within (b) (6), (b) (7)(C) The second complaint also alleged (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) Agent Note: Because the complaint was anonymous, we were unable to obtain clarification about what (b) (6), (b) (7)(C) was an acronym for.

- OPR conducted interviews, to include interviews of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) as well as reviews of (b) (6), (b) (7)(C) performance evaluations and both (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) EPA email accounts.
- Both (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) admitted to their relationship and the inappropriateness of it. However, they both stated any promotion (b) (6), (b) (7)(C) received was based on merit and not on (b) (6), (b) (7)(C) involvement with (b) (6), (b) (7)(C).
- Based on interviews and records reviews conducted during the course of the OPR investigation, though there were witness statements and emails supporting (b) (6), (b) (7)(C) attempts to influence others to promote (b) (6), (b) (7)(C) efforts were unsuccessful and (b) (6), (b) (7)(C) eventual promotion appeared untainted by (b) (6), (b) (7)(C) influence.

Based upon the foregoing (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: APRIL 21, 2014

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-AR-2013-CFR-0119

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

CASE CLOSURE REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATION: Grant Steering (18 USC 666, Theft or Bribery Concerning Programs Receiving Federal Funds).

ALLEGATION: (b) (6), (b) (7)(C) attempted to steer an EPA grant in the amount of \$60,000 to a company called the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

FINDINGS: On June 6, 2013, the Environmental Protection Agency (EPA), Office of Inspector General (OIG), hotline received an allegation that (b) (6), (b) (7)(C) EPA, directed an EPA grant Request for Proposal (RFP) in the amount of \$60,000, be drafted in a manner to ensure that the it be awarded to the (b) (6), (b) (7)(C). The OIG Office of Professional Responsibility (OPR) investigated this allegation and obtained the following facts: (b) (6), (b) (7)(C) neither competed for nor received the \$60,000 grant (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not attempt to steer the \$60,000 grant to any organization: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) never had any sense that (b) (6), (b) (7)(C) was attempting to steer the grant to the (b) (6), (b) (7)(C) and, specifically, (b) (6), (b) (7)(C) never told (b) (6), (b) (7)(C) the grant should be written so that (b) (6), (b) (7)(C) would be the recipient; (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) contact with (b) (6), (b) (7)(C) was through Region 10, EPA. Specifically, the EPA is a sponsor and co-founder of the (b) (6), (b) (7)(C) and has a Memorandum of Agreement with the (b) (6), (b) (7)(C) which was developed separately from (b) (6), (b) (7)(C) and, (b) (6), (b) (7)(C) was involved in no other EPA grants being awarded to the (b) (6), (b) (7)(C)

DISPOSITION: On April 8, 2014, Michael Atkinson, Assistant United States Attorney, Fraud and Public Corruption, Washington, DC, declined the above-referenced case for prosecution. As such, because there are no administrative findings and since this case was initiated based upon an anonymous complaint, it is being closed with no further action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 10 2014

OFFICE OF
INSPECTOR GENERAL

MEMORANDUM

SUBJECT:

(b) (6), (b) (7)(C)

FROM:

Arthur Elkins Jr., Inspector General

TO:

Robert Perciasepe, Deputy Administrator, EPA

REFERENCE:

OIG Case No. OI-AR-2014-ADM-0037

RESTRICTED INFORMATION

The U.S. Environmental Protection Agency (EPA) Office of Inspector General initiated this investigation based on information received regarding allegations of employee misconduct by (b) (6), (b) (7)(C)

EPA.

The enclosed report of investigation details four allegations of misconduct that were investigated by the OIG and found to be supported. The four allegations are: (1) (b) (6), (b) (7)(C) improperly used (b) (6), (b) (7)(C) EPA issued aircard while (b) (6), (b) (7)(C) was on leave during six different trips to (b) (6), (b) (7)(C) and incurred approximately \$22,656.61 in additional roaming and data usage charges; (2) (b) (6), (b) (7)(C) failed to disclose all of (b) (6), (b) (7)(C) foreign travel on (b) (6), (b) (7)(C) most recent SF-86; (3) (b) (6), (b) (7)(C) failed to disclose all of (b) (6), (b) (7)(C) foreign activities on (b) (6), (b) (7)(C) most recent SF-86; and (4) (b) (6), (b) (7)(C) claimed approximately 21 to 24 regular work hours when (b) (6), (b) (7)(C) was in transit to, or on vacation in, (b) (6), (b) (7)(C). Please note that at this time my office is conducting further limited review into matters related to the foregoing allegations, which may or may not result in an additional report to you.

This information is submitted for your consideration and decision as to whether administrative action is warranted. Please have your staff respond to Assistant Inspector General for Investigations (AIGI) Patrick Sullivan at (202) 566-0308 or Sullivan.Patrick@epa.gov with your decision within 30 days of the receipt of this document.

Attachment

1. Report of Investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MAY 10 2014

REFERRAL REPORT OF INVESTIGATION

CONCERNING (b) (6), (b) (7)(C)
OI-AR-2014-ADM-0037

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Distribution:

(b) (6), (b) (7)(C)

Robert Perciasepe
Deputy Administrator
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, NW
Room # 3412
Washington, DC 20004
With Attachments

Approved by:

(b) (6), (b) (7)(C)

Reviewed by:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

5/11/14

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.:	OI-AR-2014-ADM-0037	DATE OPENED:	01/30/2014
REPORT OF:	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) [REDACTED]	CASE AGENT:	(b) (6), (b) (7)(C)
CASE CATEGORY:	EMPLOYEE INTEGRITY	OFFICE:	OFFICE OF INVESTIGATIONS – OFFICE OF PROFESSIONAL RESPONSIBILITY
JOINT AGENCIES:	NONE	JURISDICTION:	WASHINGTON, DC

SECTION A - NARRATIVE

Introduction

On November 25, 2013, the Office of Investigations (OI) received an allegation that an unidentified upper level employee in the U.S. Environmental Protection Agency (EPA), (b) (6), (b) (7)(C) had incurred \$15,000 in international roaming charges while on vacation. On December 4, 2013, mobile device reports were examined in eBusiness and it was determined that (b) (6), (b) (7)(C) [REDACTED], Washington, DC, had incurred \$18,002.05 in Verizon international roaming charges on [REDACTED] EPA issued aircard during the period from December 1, 2010 through December 31, 2010.¹ During the course of this investigation, information was developed to suggest that [REDACTED] did not disclose all of [REDACTED] foreign travel and foreign activities on [REDACTED] most recent SF-86², dated November 27, 2013, and that [REDACTED] had claimed regular work hours when [REDACTED] was on vacation in, or in transit to, [REDACTED].

The OIG Office of Investigations (OI) determined there were four criminal and administrative violations that required investigation. Whether:

1. [REDACTED] improperly used [REDACTED] EPA issued aircard overseas and incurred international roaming charges while [REDACTED] was on leave.
2. [REDACTED] failed to disclose all of [REDACTED] international travel on [REDACTED] most recent SF-86.
3. [REDACTED] failed to disclose all of [REDACTED] foreign activities on [REDACTED] most recent SF-86.

¹ An aircard is a high speed wireless broadband card that gives users mobile Internet access on their laptops, using their cellular data service.

² The Standard Form 86 (SF-86), is the U.S. Office of Personnel Management questionnaire for national security positions.

4. (b) (6), (b) (7) claimed regular work hours when (b) (6), (b) (7) was on vacation in, or in transit to, (b) (6), (b) (7)(C)

Preliminary investigative findings indicate that (b) (6), (b) (7)(C) and other (b) (6), (b) (7) managers, may have been informed of (b) (6), (b) (7)(C) December 2010 aircard bill in approximately January or February 2011. How EPA management chose to address (b) (6), (b) (7)(C) aircard charges will be examined in a separate Report of Investigation (ROI).

Possible violation(s)

1. 18 USC Section 1001 Statements or Entries Generally (False Statements)
2. 18 USC Section 641 Theft or Conversion of Public Money, Property, or Records
3. 5 CFR Section 2635.704 Use of Government Property
4. 41 CFR Section 101-35.2 Authorized Use of Long Distance Telephone Services
5. EPA Order CIO 2101.0 Policy on Limited Personal Use of Government Office Equipment
6. RMDS 2540-08-P1 EPA, Office of Chief Financial Officer, Procedure 1, Payroll Time and Attendance Reporting

Impact/Dollar Loss

(b) (6), (b) (7)(C) utilization of (b) (6), (b) (7) EPA issued aircard while (b) (6), (b) (7) was on leave in (b) (6), (b) (7)(C) resulted in EPA paying approximately \$22,656.61 in additional roaming data and usage charges.³ Failure to accurately report background information on the Government security clearance questionnaire could inhibit the Government's ability to properly assess individuals for security clearances.

Synopsis

This investigation developed information to support all four allegations. Specifically:

1. (b) (6), (b) (7) improperly used (b) (6), (b) (7) EPA issued aircard when (b) (6), (b) (7) was on leave during six different trips to (b) (6), (b) (7)(C) and incurred approximately \$22, 656.61 in additional roaming data and usage charges.
2. (b) (6), (b) (7) failed to disclose five trips to (b) (6), (b) (7)(C) and one trip to (b) (6), (b) (7)(C) on (b) (6), (b) (7) SF-86 dated November 27, 2013.
3. (b) (6), (b) (7) failed to disclose all of (b) (6), (b) (7) foreign activities on (b) (6), (b) (7) SF-86. During the period from March 26, 2012 to April 3, 2012, (b) (6), (b) (7) wired \$90,000 to (b) (6), (b) (7)(C) bank account in (b) (6), (b) (7)(C) (b) (6), (b) (7) answered, "No" to all of the questions in Section 20A (Foreign Activities) of (b) (6), (b) (7) SF-86 dated November 27, 2013.
4. (b) (6), (b) (7) claimed regular work hours when (b) (6), (b) (7) was either in transit to, or on vacation in, (b) (6), (b) (7)(C) on five separate occasions. (b) (6), (b) (7) claimed approximately 21 to 24 hours of regular work when (b) (6), (b) (7) should have taken annual leave or other approved leave.

³ These roaming and usage charges were in addition to the cost of the monthly plan.

Details

Investigation Disclosed Allegations Supported

Allegation 1: (b) (6), (b) (7)(F) improperly incurred international roaming charges on (b) (6), (b) (7)(F) EPA issued aircard while (b) (6), (b) (7)(F) was on leave.

Allegation 1 Findings: Supported. A review of usage records for (b) (6), (b) (7)(C) EPA issued aircard and (b) (6), (b) (7)(F) PeoplePlus supports the allegation that (b) (6), (b) (7)(F) improperly incurred approximately \$22,656.61 in additional roaming data and usage charges by using (b) (6), (b) (7)(F) EPA issued aircard while (b) (6), (b) (7)(F) was on leave in (b) (6), (b) (7)(C) 4 (b) (6), (b) (7)(F) utilized (b) (6), (b) (7)(F) aircard to send and receive work-related and personal emails. The charges that (b) (6), (b) (7)(F) incurred were not *de minimis*. EPA Order CIO 2101.0, permits limited personal use of government equipment “if it involves minimal additional expense to the government,” which is not the case here.

Allegation 1 Investigative Results: A review of eBusiness, usage reports for (b) (6), (b) (7)(C) EPA issued aircard, PeoplePlus, and information from (b) (6), (b) (7)(C) EPA email account showed that (b) (6), (b) (7)(F) improperly incurred roaming data usage charges while (b) (6), (b) (7)(F) was on leave during six different trips to (b) (6), (b) (7)(C). These charges are summarized in the table below.

#	Trip Dates	Leave Dates	Roaming or Additional Charges	Average Kilobytes Per Day
1	08/19/09 – 08/27/09	08/19/09 – 08/30/09	\$340.93	Unknown
2	12/02/09 – 12/10/09	12/03/09 – 12/13/09	\$1,028.22	5,959
3	06/10/10 – 06/21/10	06/10/10 – 06/21/10	\$1,797.58	7,576
4	12/08/10 – 12/18/10	12/08/10 – 12/19/10	\$18,002.05	83,731
5	08/17/11 – 08/27/11	8/17/11 – 8/28/11	\$879.63	4,091
6	09/10/12 – 09/18/12	09/11/12 – 09/17/12	\$608.20	3,481
	TOTAL		\$22,656.61	

[Exhibits – 1, 2, 3]

Based upon the foregoing table, (b) (6), (b) (7)(C) usage during (b) (6), (b) (7)(F) December 2010 trip (number 4) to (b) (6), (b) (7)(C) was approximately 15 times greater than (b) (6), (b) (7)(F) average daily usage for four of (b) (6), (b) (7)(F) other trips (numbers 2, 3, 5, and 6). (b) (6), (b) (7)(C) December 2010 trip accounted for approximately 79.5% of the total additional costs (b) (6), (b) (7)(F) incurred by using (b) (6), (b) (7)(F) EPA issued aircard while (b) (6), (b) (7)(F) was on leave in (b) (6), (b) (7)(C). [Exhibits – 2, 3]

On April 1, 2014, investigators interviewed (b) (6), (b) (7)(F) and (b) (6), (b) (7)(F) reported that (b) (6), (b) (7)(F) used (b) (6), (b) (7)(F) personal computer and (b) (6), (b) (7)(F) EPA issued aircard to check work emails while (b) (6), (b) (7)(F) was on leave in (b) (6), (b) (7)(C). (b) (6), (b) (7)(F) advised that checking (b) (6), (b) (7)(F) email while on leave was a preference; it was not something (b) (6), (b) (7)(F) was instructed to do by (b) (6), (b) (7)(F) management. (b) (6), (b) (7)(F) initially reported that (b) (6), (b) (7)(F) did not use (b) (6), (b) (7)(F) aircard for personal emails. During (b) (6), (b) (7)(F) April 1, 2014 interview, (b) (6), (b) (7)(F) was provided with approximately 103 emails from (b) (6), (b) (7)(F) EPA email account that were sent or received during the timeframe of (b) (6), (b) (7)(F) December

⁴ Note that on December 3, 2009, (b) (6), (b) (7)(F) claimed one hour of regular work and 8 hours of annual leave. (b) (6), (b) (7)(F) incurred approximately \$1,028.22 in additional roaming charges by using (b) (6), (b) (7)(F) aircard during (b) (6), (b) (7)(F) December 2009 trip to (b) (6), (b) (7)(C). It is possible that some of these charges were incurred during the one hour of regular work that (b) (6), (b) (7)(F) claimed on December 3, 2009. (b) (6), (b) (7)(F) flight was scheduled to arrive in (b) (6), (b) (7)(F) at 2:50 PM on December 3, 2009. This is further discussed in Allegation 4. [Exhibit – 4]

2010 trip to (b) (6), (b) (7)(C). After reviewing these emails, (b) (6), (b) (7)(C) agreed that 26 of (b) (6), (b) (7)(C) emails, or approximately 25%, were personal in nature. (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) did not recollect using (b) (6), (b) (7)(C) EPA aircard to access the internet while (b) (6), (b) (7)(C) was in (b) (6), (b) (7)(C). Regarding why (b) (6), (b) (7)(C) data usage charges were approximately 15 times greater during (b) (6), (b) (7)(C) December 2010 trip, (b) (6), (b) (7)(C) responded that (b) (6), (b) (7)(C) checked (b) (6), (b) (7)(C) emails twice a day during that trip. [Exhibits – 2, 3, 5]

(b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) aircard in June 2009. [Exhibit – 3] Review of (b) (6), (b) (7)(C) email box indicated that (b) (6), (b) (7)(C) had an awareness that (b) (6), (b) (7)(C) might incur additional charges by using (b) (6), (b) (7)(C) EPA issued aircard while (b) (6), (b) (7)(C) was on leave in (b) (6), (b) (7)(C). For example, in one email, dated August 21, 2009, (b) (6), (b) (7)(C) stated the following, “...sitting in the lobby of the (b) (6), (b) (7)(C) Hotel working away on my Dell mini. The roaming charges on my air card will likely be high but I don’t care because I can keep an eye on work from here and won’t be overwhelmed by email on my return.” [Exhibit – 2, Attachment 11, Page 6, emphasis added]

On May 10, 2010, (b) (6), (b) (7)(C) received an email requesting that (b) (6), (b) (7)(C) employees notify EPA (b) (6), (b) (7)(C) prior to international travel, “so we can instruct you how to temporarily change your current U.S. plans to international versions that will mitigate roaming charges.” On May 10, 2010, (b) (6), (b) (7)(C) responded to this email and stated, “I plan to use my air card [sic] during an upcoming trip to (b) (6), (b) (7)(C). My trip dates are 11 June – 21 June. Please advise as to appropriate next steps.” [Exhibit – 2, Attachment 11, Page 8] The employee (b) (6), (b) (7)(C) contacted regarding using (b) (6), (b) (7)(C) aircard did not specifically remember how (b) (6), (b) (7)(C) responded to (b) (6), (b) (7)(C) May 10, 2010 email, but assumed (b) (6), (b) (7)(C) would have provided (b) (6), (b) (7)(C) with whatever information (b) (6), (b) (7)(C) was able to obtain. Another employee involved in obtaining information in response to (b) (6), (b) (7)(C) email reported that s/he did not believe aircards were eligible for international plans. No email responsive to (b) (6), (b) (7)(C) May 10, 2010 email was identified. [Exhibits – 6, 7, 8, 9]

(b) (6), (b) (7)(C) was interviewed on April 1, 2014, and reported that (b) (6), (b) (7)(C) did not recall being advised to do something specific in response to (b) (6), (b) (7)(C) May 10, 2010 email. (b) (6), (b) (7)(C) felt (b) (6), (b) (7)(C) May 10, 2010 email was all that (b) (6), (b) (7)(C) was required to do, and (b) (6), (b) (7)(C) did not follow up on this email. (b) (6), (b) (7)(C) did not obtain an international plan for (b) (6), (b) (7)(C) aircard.⁵ Subsequent to receipt of the May 10, 2010 email, (b) (6), (b) (7)(C) continued to use (b) (6), (b) (7)(C) EPA issued aircard while (b) (6), (b) (7)(C) was on leave in (b) (6), (b) (7)(C). During the period from June 2010 through September 2012, (b) (6), (b) (7)(C) incurred approximately \$21,287.46 in international roaming charges by using (b) (6), (b) (7)(C) EPA issued aircard while (b) (6), (b) (7)(C) was on leave in (b) (6), (b) (7)(C). [Exhibits – 3, 5]

In August 2010, (b) (6), (b) (7)(C) was unable to use (b) (6), (b) (7)(C) EPA issued aircard while (b) (6), (b) (7)(C) was on leave in (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was able to access (b) (6), (b) (7)(C) EPA email account using an alternate method, and this resulted in no additional charges to the EPA. [Exhibits – 2, 5]

(b) (6), (b) (7)(C) reviewed several emails during the course of this interview, including emails that were issued during the period from July 29, 2009 through August 26, 2009, which was the period leading up to and including the first trip to (b) (6), (b) (7)(C) during which (b) (6), (b) (7)(C) utilized (b) (6), (b) (7)(C) EPA issued aircard. (b) (6), (b) (7)(C) agreed that these emails showed (b) (6), (b) (7)(C) anticipated (b) (6), (b) (7)(C) charges would be higher when (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) aircard in (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) was concerned about this at the time. (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) never followed up to determine the cost of using (b) (6), (b) (7)(C) aircard in (b) (6), (b) (7)(C). [Exhibit – 5]

⁵ An email dated August 22, 2011, reported the following regarding (b) (6), (b) (7)(C) aircard, “This device is an aircard with no SIM card, so no international data plan can be added.” [Exhibit – 10]

(b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) had not been aware of the extent of the charges on (b) (6), (b) (7)(C) aircard until (b) (6), (b) (7)(C) April 1, 2014 meeting with investigators. (b) (6), (b) (7)(C) recalled a conversation with (b) (6), (b) (7)(C) during which (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to stop using (b) (6), (b) (7)(C) aircard because it was expensive. (b) (6), (b) (7)(C) did not recall when this meeting occurred. (b) (6), (b) (7)(C) did not recall (b) (6), (b) (7)(C) telling (b) (6), (b) (7)(C) the amount of (b) (6), (b) (7)(C) aircard charges. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) the charges were "high," but (b) (6), (b) (7)(C) made no further inquiry as to how high (b) (6), (b) (7)(C) charges were. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was interested in reimbursing EPA for the total amount of the additional charges (b) (6), (b) (7)(C) incurred by using (b) (6), (b) (7)(C) aircard in (b) (6), (b) (7)(C) 6 [Exhibit – 5]

During (b) (6), (b) (7)(C) April 1, 2014 interview, (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) was familiar with EPA's policy on limited personal use of government equipment [EPA Order CIO 2101.0]. (b) (6), (b) (7)(C) believed that, while (b) (6), (b) (7)(C) use of (b) (6), (b) (7)(C) EPA aircard in (b) (6), (b) (7)(C) was *de minimis*, the fact that additional expenses were incurred would seem to be inconsistent with EPA's policy on limited personal use of government equipment. [Exhibit – 5]

Previously, (b) (6), (b) (7)(C) disciplined a subordinate employee for personal use of an EPA issued mobile device. During (b) (6), (b) (7)(C) April 1, 2014 interview, (b) (6), (b) (7)(C) agreed that, in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Washington, DC, who was (b) (6), (b) (7)(C) subordinate at the time, to discipline one of (b) (6), (b) (7)(C) subordinates, specifically (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Washington, DC, for personal use of (b) (6), (b) (7)(C) EPA issued mobile device because (b) (6), (b) (7)(C) had incurred \$83.94 in text messaging fees. [Exhibit – 5]

Allegation 2: (b) (6), (b) (7)(C) failed to disclose all of (b) (6), (b) (7)(C) international travel on (b) (6), (b) (7)(C) most recent SF-86.⁷

Allegation 2 Findings: Supported. A comparison of (b) (6), (b) (7)(C) most recent SF-86 submitted to EPA and a review of documents in (b) (6), (b) (7)(C) email box, including flight itineraries, supports the allegation that (b) (6), (b) (7)(C) did not disclose all of (b) (6), (b) (7)(C) international travel on the SF-86, Section 20(C) (Foreign Travel) that requests "...information about all such trips [in the last seven (7) years for other than solely U.S. Government business] made outside the United States including personal trips made in conjunction with official U.S. Government business."

Allegation 2 Investigative Results: A review of (b) (6), (b) (7)(C) email correspondence, flight itineraries, leave records, and cell phone bills listing roaming charges in (b) (6), (b) (7)(C) show that (b) (6), (b) (7)(C) did not disclose five trips to (b) (6), (b) (7)(C) and one trip to (b) (6), (b) (7)(C) in Section 20(C) of (b) (6), (b) (7)(C) most recent SF-86. (b) (6), (b) (7)(C) reported six trips to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) SF-86, but there were an additional five trips to (b) (6), (b) (7)(C) that were not reported. The trips to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) did not report were as follows: March 2009; April/May 2009; December 2009; June 2010; and February 2012. (b) (6), (b) (7)(C) travelled to (b) (6), (b) (7)(C) in August 2010, but (b) (6), (b) (7)(C) SF-86 did not disclose any trips to (b) (6), (b) (7)(C) [Exhibit – 11]

On April 1, 2014, investigators interviewed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) agreed that (b) (6), (b) (7)(C) had taken 11 trips to (b) (6), (b) (7)(C) and 1 trip to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) had filled out Section 20C (Foreign Travel) of (b) (6), (b) (7)(C) most recent SF-86 to the best of (b) (6), (b) (7)(C) ability and to the best of (b) (6), (b) (7)(C) recollection. (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) did not

⁶ 41 CFR §101-35.202 (Collection for Unauthorized Use) provides: (a) Agencies shall collect for any unauthorized calls if it is cost-effective to do so. Reimbursing the Government for unauthorized calls does not exempt an employee from appropriate administrative, civil, or criminal action.

⁷ The SF-86 includes a Statement of Understanding section that provides: "I have read the instructions and I understand that if I withhold, misrepresent, or falsify information on this form, I am subject to the penalties for inaccurate or false statement (per U.S. Criminal Code, Title 18, section 1001), denial or revocation of a security clearance, and/or removal and debarment from Federal Service." (b) (6), (b) (7)(C) checked "Yes" for this item. [Exhibit – 11]

keep travel records. (b) (6), (b) (7) reported that (b) (6), (b) (7) had made it clear to the background investigator that the dates of (b) (6), (b) (7) trips were estimates. [Exhibit – 5]

Allegation 3: (b) (6), (b) (7) failed to disclose all of (b) (6), (b) (7) foreign activities on (b) (6), (b) (7) most recent SF-86.

Allegation 3 Findings: Supported. A review of documents in (b) (6), (b) (7)(C) email box supports the allegation that (b) (6), (b) (7) did not disclose all of (b) (6), (b) (7) foreign activities in Section 20A (Foreign Activities) of (b) (6), (b) (7) most recent SF-86. Specifically, (b) (6), (b) (7) responded “No” to the following two questions in Section 20A (Foreign Activities) of the SF-86:

- Have you, your spouse, cohabitant, or dependent children EVER had any foreign financial interests (such as stocks, property, investments, bank accounts, ownership of corporate entities, corporate interests or businesses) in which you or they have direct control or direct ownership? (Exclude financial interests in companies or diversified mutual funds that are publicly traded on a U.S. exchange.)
- Have you EVER provided financial support for any foreign national?
[Exhibit – 11]

Allegation 3 Investigative Results: A review of (b) (6), (b) (7)(C) email correspondence indicated that, on two separate occasions, (b) (6), (b) (7) wired funds to (b) (6), (b) (7)(C) bank account in (b) (6), (b) (7)(C) (b) (6), (b) (7) transferred \$70,000 to (b) (6), (b) (7)(C) on March 26, 2012, and transferred an additional \$20,000 to (b) (6), (b) (7) on April 3, 2012. [Exhibit – 2]

On April 1, 2014, Investigators interviewed (b) (6), (b) (7) and (b) (6), (b) (7) reported that (b) (6), (b) (7) had wired (b) (6), (b) (7)(C) \$90,000 so that (b) (6), (b) (7) could transfer the money to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) (b) (6), (b) (7) indicated that (b) (6), (b) (7) did not report (b) (6), (b) (7)(C) as a contact on (b) (6), (b) (7) SF-86 because (b) (6), (b) (7) did not have continuing contact with (b) (6), (b) (7). (b) (6), (b) (7) advised that (b) (6), (b) (7) relationship was with (b) (6), (b) (7)(C) and that (b) (6), (b) (7) had disclosed this on (b) (6), (b) (7) SF-86. [Exhibit – 5]

(b) (6), (b) (7) indicated that the purpose of this money was to fund (b) (6), (b) (7)(C) half of a retirement home that (b) (6), (b) (7) and (b) (6), (b) (7)(C) built in (b) (6), (b) (7)(C). (b) (6), (b) (7) stated that (b) (6), (b) (7) never provided any financial support to (b) (6), (b) (7)(C) the money (b) (6), (b) (7) sent (b) (6), (b) (7)(C) was related to the house. The house (b) (6), (b) (7) and (b) (6), (b) (7)(C) built was on land owned by (b) (6), (b) (7)(C). Regarding whether it would be fair to say that (b) (6), (b) (7) owned foreign property, (b) (6), (b) (7) responded that there was no official paperwork documenting (b) (6), (b) (7) ownership of this house. (b) (6), (b) (7) stated that (b) (6), (b) (7) and (b) (6), (b) (7)(C) had an agreement to build a home together. [Exhibit – 5]

Allegation 4: (b) (6), (b) (7) claimed regular work hours when (b) (6), (b) (7) was on vacation in, or in transit to, (b) (6), (b) (7)(C).

Allegation 4 Findings: Supported. A review of (b) (6), (b) (7)(C) travel itineraries and (b) (6), (b) (7) PeoplePlus supports the allegation that (b) (6), (b) (7) claimed regular work hours when (b) (6), (b) (7) was in transit to, or on vacation in, (b) (6), (b) (7)(C).

Allegation 4 Investigative Results: A review of itineraries in (b) (6), (b) (7)(C) email box and PeoplePlus records identified five instances where (b) (6), (b) (7) claimed regular work hours when (b) (6), (b) (7) was in transit to, or on vacation in, (b) (6), (b) (7)(C). The number of regular work hours that (b) (6), (b) (7) claimed while (b) (6), (b) (7) was not working ranges from approximately 21 to 24 hours. [Exhibits – 2, 12]

On April 1, 2014, Investigators interviewed (b) (6), (b) (7) and reviewed the regular work hours (b) (6), (b) (7) claimed on dates when (b) (6), (b) (7) was in transit to or on vacation in (b) (6), (b) (7)(C). (b) (6), (b) (7) acknowledged that these were discrepancies. (b) (6), (b) (7) reported that (b) (6), (b) (7) should have used a half day of annual leave for the days (b) (6), (b) (7) had a flight to (b) (6), (b) (7)(C). (b) (6), (b) (7) stated that if a subordinate employee had similar discrepancies, (b) (6), (b) (7) would rectify the situation by changing the leave records, which (b) (6), (b) (7) wanted to be accurate. [Exhibit – 5]

Disposition

This Report of Investigation is being issued to Robert Perciasepe, Deputy Administrator, EPA, Washington, DC, for administrative remedies or actions deemed appropriate.

SECTION B – PROSECUTIVE STATUS

On April 3, 2013, the Department of Justice's Fraud and Public Corruption Section, Washington, DC, declined to prosecute (b) (6), (b) (7) for the circumstances relating to (b) (6), (b) (7) conduct, specifically the violation of 18 USC Section 641 or Title 18 Section 1001.

EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1.	Excel spreadsheet entitled "Charges Attributable to (b) (6), (b) (7)(C) in eBusiness."
2.	Memorandum of Activity - Review of (b) (6), (b) (7)(C) Email box, dated March 25, 2014.
3.	Memorandum of Activity - Review of (b) (6), (b) (7)(C) Data Usage, dated April 15, 2014.
4.	Memorandum of Activity - (b) (6), (b) (7)(C) Leave Compared to Global Roaming Charges, dated April 17, 2014.
5.	Memorandum of Interview - (b) (6), (b) (7)(C), dated April 1, 2014.
6.	Memorandum of Interview - (b) (6), (b) (7)(C)
7.	Memorandum of Interview - (b) (6), (b) (7)(C)
8.	Memorandum of Interview - Employee, dated (b) (6), (b) (7)(C)
9.	Memorandum of Interview - Employee, dated (b) (6), (b) (7)(C)
10.	Email dated August 22, 2011, from the Mobile Devices Business Office to several individuals.
11.	Memorandum of Activity - Review of (b) (6), (b) (7)(C) SF-86, dated April 8, 2014.
12.	Memorandum of Activity - Review of (b) (6), (b) (7)(C) PeoplePlus discrepancies, dated April 15, 2014.

Due to the voluminous nature of some of the attachments to the exhibits listed above, some of the attachments were not included with the hard copy of this report. These are stored electronically and are available upon request.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

November 12, 2014

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C)
Case No. OI-AR-2014-ADM-0123

FROM: (b) (6), (b) (7)(C)
Special Agent in Charge
Office of Investigations
Washington Field Office

TO: (b) (6), (b) (7)(C)

Attached is a copy of our report of investigation on the above-captioned subject. The Washington Field Office (WFO), Office of Investigations (OI), Office of Inspector General (OIG), United States Environmental Protection Agency (EPA), initiated this investigation based on information provided by the Criminal Investigation Division, Office of Enforcement and Compliance Assurance (OECA), EPA, Washington, DC.

Of the three allegations investigated, this investigation developed information to support that (b) (6), (b) (7)(C), EPA, Washington, DC may have violated, 5 CFR § 2635.702 when (b) (6), (b) (7)(C) asked an EPA grant recipient for an internship position for (b) (6), (b) (7)(C) and when (b) (6), (b) (7)(C) assisted at a conference paid for through an EPA cooperative agreement.

The United States Attorney's Office of the District of Columbia stated the matter was not one that the office would pursue.

Please advise this office of any arrangements you have made or plan to make pertaining to any administrative action regarding (b) (6), (b) (7)(C). Additionally, your attention is directed to the EPA Order 3120.1, Conduct and Discipline Manual, which prescribes policies for administering disciplinary action within the Agency. The manual contains a list of offenses with suggested penalties, although the list of offenses is not intended to be all inclusive. For offenses not listed, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

The information in the Conduct and Discipline Manual is to assist you in determining what action, if any, is warranted; however, it does not constitute a "charge" against (b) (6), (b) (7)(C). It is the responsibility of the action official alone to evaluate the information contained in the report and to decide whether action under any part of the Conduct and Discipline Manual is appropriate.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of the administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return our report after your review of this matter is completed.

It is highly recommended that you confer with the Office of General Counsel and the Office of Human Resources to ensure that any action proposed is appropriate and equitable, and for any necessary guidance about personnel regulations.

Should you have any questions, particularly regarding the investigative report, you are encouraged to contact Special Agent (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) or me at (b) (6), (b) (7)(C).

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

FINAL REPORT OF INVESTIGATION

(b) (6), (b) (7)(C)
OI-AR-2014-ADM-0123

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Distribution:

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
With Attachments

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Informational Purposes Only – No
Attachments

Submitted by:

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

10/17/14

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-AR-2014-ADM-0123 **DATE OPENED:** September 23, 2014
REPORT OF: (b) (6), (b) (7)(C), **CASE AGENT:** (b) (6), (b) (7)(C)
CASE CATEGORY: Employee Integrity **OFFICE:** Washington Field Office
JOINT AGENCIES: None **JURISDICTION:** District of Columbia

SECTION A - NARRATIVE

Introduction

This investigation was initiated on May 8, 2012, based on Hotline Complaint #2012-132 from (b) (6), (b) (7)(C) EPA, Washington, DC, who reported potential grant fraud related to a \$250,000 OECA grant that was awarded to the (b) (6), (b) (7)(C). (Exhibit 1) Specifically, (b) (6), (b) (7)(C) alleged that (b) (6), (b) (7)(C) may have had an inappropriate relationship with the (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) worked for both companies.

During the course of the complaint stage, the OIG developed information that (b) (6), (b) (7)(C), Washington, DC allegedly allowed (b) (6), (b) (7)(C) to pay for (b) (6), (b) (7)(C) trip to an (b) (6), (b) (7)(C) conference. (Exhibit 2) Additionally, review of subpoenaed documents revealed that (b) (6), (b) (7)(C) had allegedly asked (b) (6), (b) (7)(C) for an internship for (b) (6), (b) (7)(C) (Exhibit 3)

The OIG is addressing the grant fraud allegations with another office of the EPA, but the OIG determined there were three possible administrative violations pertaining to (b) (6), (b) (7)(C). The allegations investigated by the OIG regarding (b) (6), (b) (7)(C) were:

1. (b) (6), (b) (7)(C) allowed (b) (6), (b) (7)(C) to pay for (b) (6), (b) (7)(C) trip to attend an (b) (6), (b) (7)(C) conference;
2. (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) for an internship position for (b) (6), (b) (7)(C) and
3. (b) (6), (b) (7)(C) assisted at the (b) (6), (b) (7)(C) conference held in Whistler, Canada.

Possible violations:

1. 31 USC § 1342 – Limitation on Voluntary Services - An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property.

2. 5 CFR § 2635.702 – Use of Public Office for Private Gain
3. 5 CFR § 2635.101(b)(7) – Basic obligation of Public Service – Employees shall not use public office for private gain
4. 5 CFR § 2635.101(b)(14) – Basic Obligation of Public Service – Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards.

Synopsis

The investigation failed to develop sufficient information to support the allegation that (b) (6), (b) (7)(C) allowed (b) (6), (b) (7)(C) to pay for (b) (6), (b) (7)(C) trip to an (b) (6), (b) (7)(C) conference, but information was developed to support the allegation that (b) (6), (b) (7)(C) requested an internship for (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C).

On May 8, 2014, the OIG presented to Loyaan Egal, Assistant United States Attorney, United States Attorney's Office (USAO), District of Columbia, 555 4th St, NW, Washington, DC, the matter of (b) (6), (b) (7)(C) allowing (b) (6), (b) (7)(C) to volunteer at an EPA-sponsored conference. (Exhibit 4) Egal stated the matter was not one that his office would pursue.

However, due to the appearance of inappropriate conduct on the part of (b) (6), (b) (7)(C) this investigation was referred to (b) (6), (b) (7)(C) for any action they deemed necessary.

Details

Investigation Disclosed Allegations Supported

Allegation: (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) for an internship for (b) (6), (b) (7)(C)

Allegation Findings: The result of an interview with (b) (6), (b) (7)(C) and review of emails and documents supported that (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) for an internship for (b) (6), (b) (7)(C)

Investigative Results: On May 23, 2012, the OIG interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, Washington, DC. (Exhibit 2) According to (b) (6), (b) (7)(C) was involved in the EPA grant approval to (b) (6), (b) (7)(C)

On July 10, 2012, the OIG interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (Exhibit 5) According to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) and also (b) (6), (b) (7)(C) along with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) which did a lot of work for (b) (6), (b) (7)(C) as a subcontractor. (b) (6), (b) (7)(C) funded (b) (6), (b) (7)(C) through various grants it awarded to (b) (6), (b) (7)(C) who in turn gave the money to (b) (6), (b) (7)(C)

On February 26, 2014, the OIG interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, DC. (Exhibit 3) In regards to the March 8, 2011

email that (b) (6), (b) (7)(C) sent to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) stated it was a misuse of position for (b) (6), (b) (7)(C) to ask them for an internship for (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that although it was not criminal since (b) (6), (b) (7)(C) requested an unpaid internship, it still fell under 2635.702 *Public Office for Private Gain*. According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) had overstepped the boundaries when (b) (6), (b) (7)(C) asked about an internship for (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) initiated the contact, and (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were "beholden" to (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) believed that (b) (6), (b) (7)(C) was using (b) (6), (b) (7)(C) relationship with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to do (b) (6), (b) (7)(C) a favor by keeping (b) (6), (b) (7)(C) busy, and that (b) (6), (b) (7)(C) should be noted for inappropriately doing this. According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) should have asked (b) (6), (b) (7)(C) ethics official about the matter before sending out the email. (b) (6), (b) (7)(C) ethics official could have assisted (b) (6), (b) (7)(C) in crafting an email that did not involve (b) (6), (b) (7)(C) asking for a favor. With the current email, (b) (6), (b) (7)(C) and/or (b) (6), (b) (7)(C) could have said they felt coerced by (b) (6), (b) (7)(C) to give (b) (6), (b) (7)(C) an internship.

On April 14, 2014, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 6). After reviewing the email (b) (6), (b) (7)(C) sent on March 8, 2011 to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (Exhibit 6, Attachment 2), (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was not sure if (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) personal email or (b) (6), (b) (7)(C) EPA email account. (b) (6), (b) (7)(C) recalled that (b) (6), (b) (7)(C) spoke to (b) (6), (b) (7)(C) about having (b) (6), (b) (7)(C) help, and (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that they had other student interns who were helping but (b) (6), (b) (7)(C) could help at the conference.

On May 7, 2014, the OIG completed a review (b) (6), (b) (7)(C) emails located in (b) (6), (b) (7)(C) EPA LotusNotes email account. (Exhibit 7) The review revealed that on May 19, 2011, (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) to send (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) resume.

Allegation: (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) help at a conference that was funded in part by an EPA cooperative agreement.

Allegation Findings: The results of several interviews with various EPA employees as well as a review of (b) (6), (b) (7)(C) email supported that (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) help at the 9th (b) (6), (b) (7)(C) conference, which was funded in part by an EPA cooperative agreement.

Investigative Results: On May 23, 2012, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 2). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) attended an (b) (6), (b) (7)(C) conference in Whistler. Specifically, (b) (6), (b) (7)(C) wanted to take (b) (6), (b) (7)(C) who was either (b) (6), (b) (7)(C) to the conference, so (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) could be a (b) (6), (b) (7)(C) at the conference.

On July 10, 2012, the OIG interviewed (b) (6), (b) (7)(C). (Exhibit 5) According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was at the (b) (6), (b) (7)(C) conference held in June 2011 in Whistler with (b) (6), (b) (7)(C). While at the conference, (b) (6), (b) (7)(C) began to tell (b) (6), (b) (7)(C) that when (b) (6), (b) (7)(C) had told (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was planning to bring (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) suggested that (b) (6), (b) (7)(C) take (b) (6), (b) (7)(C) of the conference. (b) (6), (b) (7)(C) stopped what (b) (6), (b) (7)(C) was saying to (b) (6), (b) (7)(C) in midsentence and did not say anymore about (b) (6), (b) (7)(C) presence.

On February 19, 2013, the OIG interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) EPA, Washington, DC. (Exhibit 8) (b) (6), (b) (7)(C) believed that (b) (6), (b) (7)(C) brought (b) (6), (b) (7)(C) to the Whistler conference. (b) (6), (b) (7)(C) saw (b) (6), (b) (7)(C) around the conference hotel,

and (b) (6), (b) (7)(C) had the (b) (6), (b) (7)(C) run some errands for the conference. (b) (6), (b) (7)(C) was probably around (b) (6), (b) (7)(C) at the time.

On April 18, 2013, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 9) According to (b) (6), (b) (7)(C) the EPA awarded the grants to (b) (6), (b) (7)(C) to support (b) (6), (b) (7)(C) work. (b) (6), (b) (7)(C) had been involved with (b) (6), (b) (7)(C) since they began receiving the (b) (6), (b) (7)(C) grants, although (b) (6), (b) (7)(C) was not part of how the grant was initially set up. (b) (6), (b) (7)(C) had written papers for (b) (6), (b) (7)(C) and attended their conferences; (b) (6), (b) (7)(C) brought them (b) (6), (b) (7)(C) expertise. It was (b) (6), (b) (7)(C) understanding that (b) (6), (b) (7)(C) was a subcontractor for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did a lot (b) (6), (b) (7)(C) work, to include the work plan. (b) (6), (b) (7)(C) was very involved in (b) (6), (b) (7)(C) conferences.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) attended the (b) (6), (b) (7)(C) conference in Whistler. (b) (6), (b) (7)(C) attended as a participant, as well as the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was there for the entire conference. (b) (6), (b) (7)(C) attended the conference with (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to help out while at the conference by doing things such as unpacking boxes and other grunt work. (b) (6), (b) (7)(C) was able to keep a close eye on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) received feedback from others that (b) (6), (b) (7)(C) was behaving. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not receive any compensation from anyone for the work (b) (6), (b) (7)(C) did at the conference.

(b) (6), (b) (7)(C) were also present at the conference. (b) (6), (b) (7)(C) believes (b) (6), (b) (7)(C) helped out with the conference by doing grunt work such as delivering things to different breakout rooms.

On April 14, 2014, the OIG re-interviewed (b) (6), (b) (7)(C) (Exhibit 6) According to (b) (6), (b) (7)(C) there was a lot of preparation involved in the (b) (6), (b) (7)(C) conferences, such as sending things out. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) helped at the Whistler conference. (b) (6), (b) (7)(C) recalled (b) (6), (b) (7)(C) spoke to (b) (6), (b) (7)(C) about having (b) (6), (b) (7)(C) help, and (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that they had other student interns who were helping, but that (b) (6), (b) (7)(C) could help at the conference.

(b) (6), (b) (7)(C) did not see how having (b) (6), (b) (7)(C) help was a value to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) saw it as a value to the conference. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was not asking or implying that (b) (6), (b) (7)(C) should be paid for (b) (6), (b) (7)(C) or that (b) (6), (b) (7)(C) travel to the conference should be paid. (b) (6), (b) (7)(C) did not see (b) (6), (b) (7)(C) email request regarding the internship as any sort of gain for (b) (6), (b) (7)(C). In (b) (6), (b) (7)(C) opinion, "they" gained because (b) (6), (b) (7)(C) helped out at the conference.

At some of the past conferences, a lot of EPA staff went to the conferences and pitched in. For this conference, there was a reduced number of EPA staff to help, so (b) (6), (b) (7)(C) thought (b) (6), (b) (7)(C) could help. According to (b) (6), (b) (7)(C) putting on the conferences was a lot of work, and (b) (6), (b) (7)(C) offered (b) (6), (b) (7)(C) to lend a hand.

According to (b) (6), (b) (7)(C) although other EPA staff brought (b) (6), (b) (7)(C) to the conference, none of them assisted since they were too young.

On May 7, 2014, the OIG completed a review (b) (6), (b) (7)(C) EPA Lotus Notes emails. (Exhibit 7) The review revealed that on April 1, 2011, (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) had discussed with (b) (6), (b) (7)(C) using (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) as conference volunteers. On the same date, (b) (6), (b) (7)(C) responded that (b) (6), (b) (7)(C) did, but they had not discussed tasks or details.

Between June 17, 2011 and June 28, 2011, there were various emails in (b) (6), (b) (7)(C) Lotus Notes account that discussed the work (b) (6), (b) (7)(C) was doing at the (b) (6), (b) (7)(C) 2011 conference in Whistler. Additionally, between June 19, 2011 and June 27, 2011, there were various emails that gave praise to the work conducted by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at the (b) (6), (b) (7)(C) 2011 conference in Whistler.

The conference was funded for by the EPA Cooperative Agreement grant 83472101-1 valued at \$500,000.00. The description of the agreement was:

"The recipient will work with EPA and other international partners to develop the program for the conference, plan and support logistical arrangements including the location for the conference, determine who will be invited, research and develop particular issues relevant to the conference themes, solicit papers for presentation at the conference, develop the attendance list and register attendees, provide coordination and logistical support during the conference, provide financial and logistical support for travelers from less developed countries, coordinate press releases and media coverage and publish proceedings highlighting the conference outcomes."

Investigation Disclosed Allegations Not Supported

Allegation: (b) (6), (b) (7)(C) paid for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) trip to the 2011 9th (b) (6), (b) (7)(C) conference in Whistler.

Allegation Findings: The results of several interviews with various EPA employees as well as a review (b) (6), (b) (7)(C) LotusNotes email account did not support the allegation that (b) (6), (b) (7)(C) paid for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) trip to the (b) (6), (b) (7)(C) conference.

Investigative Results: On May 23, 2012, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 2) (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) had a trip to an (b) (6), (b) (7)(C) conference in Whistler paid for by (b) (6), (b) (7)(C). Specifically, (b) (6), (b) (7)(C) wanted to take (b) (6), (b) (7)(C) who was (b) (6), (b) (7)(C) to the conference, so (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) could be a (b) (6), (b) (7)(C) at the conference. It was (b) (6), (b) (7)(C) understanding that (b) (6), (b) (7)(C) paid for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) trip to the conference.

On July 10, 2012, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 5) According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was at the (b) (6), (b) (7)(C) conference held in June 2011 in Whistler with (b) (6), (b) (7)(C). While at the conference, (b) (6), (b) (7)(C) began to tell (b) (6), (b) (7)(C) that when (b) (6), (b) (7)(C) had told (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was planning to bring (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) suggested that (b) (6), (b) (7)(C) take (b) (6), (b) (7)(C) the conference. (b) (6), (b) (7)(C) stopped what (b) (6), (b) (7)(C) was saying to (b) (6), (b) (7)(C) in midsentence and did not say anymore about (b) (6), (b) (7)(C) presence. (b) (6), (b) (7)(C) was not sure how (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) trip was paid.

On February 19, 2013, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 8) According to (b) (6), (b) (7)(C), the EPA paid for the travel of its employees who attended (b) (6), (b) (7)(C) conferences through the EPA travel funds. (b) (6), (b) (7)(C)

believed (b) (6), (b) (7)(C) brought (b) (6), (b) (7)(C) to the (b) (6), (b) (7)(C) conference in Whistler. (b) (6), (b) (7)(C) believed the EPA paid for (b) (6), (b) (7)(C) travel and (b) (6), (b) (7)(C) paid for (b) (6), (b) (7)(C).

On April 18, 2013, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 9) (b) (6), (b) (7)(C) attended the (b) (6), (b) (7)(C) conference in Whistler (b) (6), (b) (7)(C). The EPA paid for (b) (6), (b) (7)(C) travel, as well as the travel of the other (b) (6), (b) (7)(C) staff whom attended. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) paid for (b) (6), (b) (7)(C) trip to the conference. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) received no payment from either (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) trip.

On May 7, 2014, the OIG completed a review (b) (6), (b) (7)(C) emails. (Exhibit 7) Between April 2011 and June 2011, there were various emails that appeared to contain travel information for (b) (6), (b) (7)(C) to the June 2011 (b) (6), (b) (7)(C) conference in Whistler. Specifically, on May 13, 2011, American Airlines sent an e-ticket to (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) flight to the conference. Review of the e-ticket appears to indicate that the ticket was paid for by an AAdvantage Certificate, which appeared to be American Airlines' frequent flyer program, and a Visa ending in (b) (6), (b) (7)(C).

Disposition

On May 8, 2014, the OIG presented to Loyaan Egal, Assistant United States Attorney, United States Attorney's Office (USAO), District of Columbia, 555 4th St, NW, Washington, DC, the matter of (b) (6), (b) (7)(C) allowing (b) (6), (b) (7)(C) to volunteer at an EPA-sponsored conference, a potential violation of 31 USC § 1342. Egal stated the matter was not one that his office would pursue.

This Report of Investigation is being issued to the (b) (6), (b) (7)(C), EPA, Washington, DC for administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
 Title & Company: (b) (6), (b) (7)(C)
 Role: Subject
 Business Address: WASHINGTON, DC
 Business Phone:
 EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On May 8, 2014, the USAO, Washington, DC, declined this matter for prosecution.

EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1.	Initial complaint – dated May 8, 2012
2.	Memorandum of Interview – (b) (6), (b) (7)(C) dated May 23, 2012
3.	Memorandum of Interview – (b) (6), (b) (7)(C) dated February 26, 2014
4.	Memorandum of Activity – AUSA declination, dated May 8, 2014
5.	Memorandum of Interview – (b) (6), (b) (7)(C), dated July 10, 2012
6.	Memorandum of Interview – (b) (6), (b) (7)(C) dated April 14, 2014
7.	Memorandum of Activity – review of (b) (6), (b) (7)(C) emails, dated May 7, 2014
8.	Memorandum of Interview – (b) (6), (b) (7)(C), dated February 19, 2013
9.	Memorandum of Interview – (b) (6), (b) (7)(C) dated April 18, 2013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: OCTOBER 6, 2014

PREPARED BY:

CASE #: OI-AR-2014-CFR-0034

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)
EPA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	WASHINGTON, DC	

VIOLATION: Procurement integrity violation(s).

ALLEGATION: (b) (6), (b) (7)(C) engaged in improper procurement practices.

FINDINGS:

- This investigation identified no criminal wrongdoing or administrative wrongdoing by (b) (6), (b) (7)(C) concerning the following allegations.
- The Office of Professional Responsibility (OPR) received for action an anonymous complaint which alleged that (b) (6), (b) (7)(C) and other (b) (6), (b) (7)(C) management were hiring contractors without a fair, competitive process in 2011 and 2012. The complaint identified five areas where these unfair contract awards occurred:
 - 1) Minority Academic Institutions (specifically a conference held at NC State)
 - 2) An environmental justice conference held in Atlanta, GA
 - 3) A children's health summit held by the Air Division
 - 4) Special Emphasis Training programs under the Assistant Regional Administrator
 - 5) Superfund Brownfield's Conferences
- OPR conducted interviews, to include an interview of (b) (6), (b) (7)(C), as well as reviews of EPA contracts and contract databases. Based upon the totality of facts gathered during the OPR investigation, (b) (6), (b) (7)(C) was not identified as involved in the procurement process related to the above-referenced allegations. Specifically, OPR identified no involvement in the selection and award process on the part of (b) (6), (b) (7)(C) nor did OPR identify any misconduct as it related to the award of the contracts by any other EPA employees.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: JANUARY 2, 2015

PREPARED BY:

CASE #: OI-AT-2014-CAC-0001

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

POTENTIAL VIOLATION(S): 18 United States Code 1621; 18 United States Code 666;
EPA's Appendix-Guidance on Corrective Discipline, EPA ORDER 3120.1

ALLEGATION(S):

1. (b) (6), (b) (7)(C) committed perjury during an (b) (6), (b) (7)(C) in November 2012.
2. (b) (6), (b) (7)(C) improperly authorized a travel authorization and travel voucher of (b) (6), (b) (7)(C), a subordinate employee.
3. (b) (6), (b) (7)(C) improperly delayed the (b) (6), (b) (7)(C)
4. (b) (6), (b) (7)(C) engaged in inappropriate hiring and promotion practices
5. (b) (6), (b) (7)(C) hired a personal friend to advocate for an EPA recycling initiative (b) (6), (b) (7)(C).
6. (b) (6), (b) (7)(C) gave preferential treatment in the form of grants or contracts to a company called (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) campaign donations made to (b) (6), (b) (7)(C)
7. (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) or had involvement, concerning their EPA grant application, which included fraudulent and misleading information.
8. RCRA EPA staff is improperly charging time to a Superfund program as a result of a personnel move by (b) (6), (b) (7)(C)

FINDINGS:

1. (b) (6), (b) (7)(C) committed perjury during an (b) (6), (b) (7)(C) in November 2012. Unsupported.

The complainant alleged (b) (6), (b) (7)(C) committed perjury during an (b) (6), (b) (7)(C) regarding a union grievance filed in response to (b) (6), (b) (7)(C) in November 2012. Specifically, the complainant alleged (b) (6), (b) (7)(C) lied when (b) (6), (b) (7)(C) and, that (b) (6), (b) (7)(C) lied about (b) (6), (b) (7)(C) EPA OIG Special Agent (b) (6), (b) (7)(C) (SA (b) (6), (b) (7)(C)) conducted interviews and confirmed that (b) (6), (b) (7)(C) was sworn prior to giving testimony, but that there was no transcript taken

of the (b) (6), (b) (7)(C). As such, (b) (6), (b) (7)(C) specific testimony cannot be reviewed. SA (b) (6), (b) (7) also reviewed briefs submitted by (b) (6), (b) (7)(C) to the (b) (6), (b) (7)(C). SA (b) (6), (b) (7) identified no perjured statements by (b) (6), (b) (7)(C). Additionally, (b) (6), (b) (7)(C) was interviewed asked whether, to the best of (b) (6), (b) (7) knowledge, (b) (6), (b) (7)(C) had ever lied or failed to tell the truth while providing testimony. (b) (6), (b) (7) responded "no, never."

2. (b) (6), (b) (7)(C) improperly authorized a travel authorization and travel voucher for (b) (6), (b) (7)(C), who was a subordinate employee. Unsupported.

SA (b) (6), (b) (7) conducted interviews concerning (b) (6), (b) (7)(C) travel from Orlando, Florida, to Washington DC, to Newark, New Jersey (the original travel stated New Jersey to Washington, DC). SA (b) (6), (b) (7)(C) findings did not support this allegation. Further, (b) (6), (b) (7)(C) was interviewed and asked if (b) (6), (b) (7)(C) ever had any involvement in this travel authorization, which was authorized by EPA employee (b) (6), (b) (7)(C) and approved by EPA employee (b) (6), (b) (7)(C). (b) (6), (b) (7) responded that (b) (6), (b) (7)(C) had "no idea."

3. (b) (6), (b) (7)(C) deliberately delayed (b) (6), (b) (7)(C). Unsupported.

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) ever took any deliberate actions to deny (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) responded "no. (b) (6), (b) (7)(C)"

4. (b) (6), (b) (7)(C) engaged in inappropriate hiring and promotion practices and forced managers to hire specific individuals. Unsupported.

Multiple interviews of (b) (6), (b) (7)(C) managers was completed by SA (b) (6), (b) (7). No manager admitted to being forced by (b) (6), (b) (7)(C) to hire specific individuals. For example, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) never felt pressure from (b) (6), (b) (7)(C) to hire specific individuals; (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was never intimidated or threatened by (b) (6), (b) (7)(C) as to which candidate to select; and, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) never pressured or threatened to hire, or not hire, a specific individual. (b) (6), (b) (7)(C) was asked about (b) (6), (b) (7)(C) practice of involvement in the hiring of EPA employees. (b) (6), (b) (7)(C) responded "limited." (b) (6), (b) (7)(C) However, for most EPA hiring, (b) (6), (b) (7)(C) has no involvement. (b) (6), (b) (7)(C) stated that in the past, for senior staff, (b) (6), (b) (7)(C) had a practice of getting information and providing feedback concerning the top three candidates, but the hiring official would make the decision. However, (b) (6), (b) (7)(C) ceased this practice based upon guidance from the employee labor counsel section. (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) had ever directed a specific person be hired by the EPA or if (b) (6), (b) (7)(C) had ever acted in a manner inconsistent with the scope of (b) (6), (b) (7)(C) duties as they related to hiring EPA employees. (b) (6), (b) (7)(C) responded "no."

5. (b) (6), (b) (7)(C) hired (b) (6), (b) (7)(C) a personal friend, to advocate for an EPA recycling initiative in (b) (6), (b) (7)(C). Unsupported.

(b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) at the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), EPA confirmed that (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was asked if any EPA grant had been awarded, at any time, directly to (b) (6), (b) (7)(C), an (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) conducted a search of the applicable grants database. (b) (6), (b) (7)(C) confirmed to the Reporting Agents that no EPA grant had been awarded directly to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was asked if at any time there had been any pressure from anybody within management to award a grant in a manner which could be perceived to be outside of the Federal Acquisition Regulations. (b) (6), (b) (7)(C) responded that there had been "no pressure." (b) (6), (b) (7)(C) added that in the awarding of EPA grants there are "several layers of review" through the Environmental Finance Center.

(b) (6), (b) (7)(C), when interviewed, stated that (b) (6), (b) (7)(C) did not have a personal relationship with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) had a work relationship. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) knew (b) (6), (b) (7)(C) generally and was aware that (b) (6), (b) (7)(C) was a good facilitator.

6. (b) (6), (b) (7)(C) gave preferential treatment in the form of grants or contracts to a company called (b) (6), (b) (7)(C) campaign donations to (b) (6), (b) (7)(C). Unsupported.

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) was familiar with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) responded "yes" and that it was a recycling program located in New York. (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) ever had any involvement with the award or a grant or contract to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) responded "no." (b) (6), (b) (7)(C) was asked whether (b) (6), (b) (7)(C) ever provided any guidance concerning (b) (6), (b) (7)(C) receiving any grant or contract. (b) (6), (b) (7)(C) responded "no." (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) ever received any money, gifts, or awards, from (b) (6), (b) (7)(C) or from anyone on behalf of (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) responded "no." (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) was familiar with campaign donations made by (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) responded "no." (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) ever provided influence, or have any involvement in (b) (6), (b) (7)(C) obtaining a grant or contract because of donations made to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) responded that (b) (6), (b) (7)(C) had "no idea" who (b) (6), (b) (7)(C) donates to.

7. (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) or had involvement, concerning their EPA grant application, which included fraudulent and misleading information. Unsupported

(b) (6), (b) (7)(C) confirmed (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) for the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that the grant was announced and awarded in accordance with the normal Request for Proposal (RFP) procedures, a process which includes: a selection panel, scoring, ranking, and, the top ranking applicants being invited to send a full application. (b) (6), (b) (7)(C) was selected and the grant was issued to them conditionally. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was never pressured by EPA upper management to award the (b) (6), (b) (7)(C) grant.

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) was aware of (b) (6), (b) (7)(C) speaking to EPA management or, specifically, (b) (6), (b) (7)(C) EPA, concerning the grant. (b) (6), (b) (7)(C) was unaware of

any such communication during the selection process, but during the coordination period when the grant was conditionally issued [REDACTED] had heard, not specifically, that (b) (6), (b) (7)(C) management had reached out to somebody within EPA management. [REDACTED] added as a more general matter, grantees can speak with whomever they choose, but it does not change the fact that that process has to move forward in accordance with the regulations.

[REDACTED], when interviewed, was asked if [REDACTED] was familiar with (b) (6), (b) (7)(C). [REDACTED] responded that [REDACTED] knows that (b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C) [REDACTED] stated [REDACTED] had been around for years and that [REDACTED] knew their executive director. [REDACTED] was asked if [REDACTED] ever had contact with (b) (6), (b) (7)(C) and, if so, why. [REDACTED] responded "not a lot" but that [REDACTED] tries to do a lot of outreach to multiple (b) (6), (b) (7)(C) [REDACTED] was asked if [REDACTED] ever received a grant. [REDACTED] responded in the affirmative that [REDACTED] was aware that [REDACTED] received a \$25,000 grant, but that [REDACTED] was made aware after the fact from reviewing a list of groups who had received grants. [REDACTED] was asked if [REDACTED] ever took any action to assist (b) (6), (b) (7)(C) in receiving a grant. [REDACTED] responded "no."

8. RCRA EPA staff is improperly charging time to a Superfund program as a result of a personnel move by [REDACTED]. Referred to EPA OIG Office of Audit. Referred.

On April 14, 2014, the Office of Investigations (OI) made a referral to the OIG Office of Audit, via the hotline, concerning the allegation of a violation of the Comprehensive Environmental Response Compensations and Liability Act. Specifically, the complainant alleged a violation of this act due to the moving of EPA Resource Conservation and Recovery Act (RCRA) staff to the Superfund (SF) Program and SF project managers are working on RCRA facilities, but are charging their time to the SF account.

DISPOSITION: Based upon the foregoing, this case is recommended for closure with no further action to be taken.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1595 WYNKOOP STREET, 4th FLOOR
DENVER, CO 80202

DATE: April 7, 2015

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-DE-2014-ADM-0100

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) OETPA

VIOLATION(S):

18 U.S.C. § 208: Acts Affecting a Personal Financial Interest

5 C.F.R. Part 2640: Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208

5 C.F.R. Part 2635: Standards of Ethical Conduct for Employees of the Executive Branch

ALLEGATION: On July 2, 2014, this office initiated an investigation based on information received from the United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) Hotline under complaint number 2014-102. The complaint alleged (b) (6), (b) (7)(C)

may have violated a Conflict of Interest statute under the United States Code and two parts under the Code of Federal Regulations when (b) (6), (b) (7)(C) participated personally and substantially on a specific party matter involving one of (b) (6), (b) (7)(C) assets – (b) (6), (b) (7)(C)

FINDINGS: Interviews of (b) (6), (b) (7)(C), EPA personnel; an interview of (b) (6), (b) (7)(C); a review of (b) (6), (b) (7)(C) Confidential Financial Disclosure Reports, Executive Branch Personnel Public Financial Disclosure Reports and Executive Branch Personnel Public Financial Disclosure Reports: Periodic Transaction Reports; a review of (b) (6), (b) (7)(C) Certificates of Completion regarding (b) (6), (b) (7)(C) EPA annual ethics training for the years (b) (6), (b) (7)(C); a review of the deadline extension and application to participate as a commenter; a review of emails between (b) (6), (b) (7)(C) and EPA ethics officials; and a review of (b) (6), (b) (7)(C) Certificate of Divestiture were completed.

The investigation developed evidence to support (b) (6), (b) (7)(C) may not have adhered to general principles of ethical conduct regarding holding financial interests that conflict with conscientious performance of (b) (6), (b) (7)(C) duty or endeavoring to avoid creating an appearance of violating law or ethical standards, when (b) (6), (b) (7)(C) filed a deadline extension request and subsequent Application to Participate

on behalf of the EPA to participate as a commenter in the Canadian environmental review process for a project in which [REDACTED] was the project proponent.

DISPOSITION: This investigation was referred to Special Assistant United States Attorney (SAUSA) Benjamin Diggs, Criminal Division, Western District of Washington, Seattle, Washington, for criminal prosecution consideration. SAUSA Diggs explained his office was declining prosecution of [REDACTED] based on (b) (5), (b) (7)(E) [REDACTED]

This investigation was referred to (b) (6), (b) (7)(C) [REDACTED] for action deemed appropriate.

On February 19, 2015, [REDACTED] verbally counseled [REDACTED] on [REDACTED] ethics obligations and [REDACTED] reviewed with [REDACTED] the situation which lead to the EPA OIG's investigation to ensure no future issues would arise.

All potential criminal and administrative remedies have been addressed, and no further investigative activity is warranted. This case is closed.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004**

CASE #: OI-HQ-2012-ADM-0134 **CROSS REFERENCE #:**

TITLE: (b) (6), (b) (7)(C)

CASE AGENT (if different from prepared by):

SHORT-FORM REPORT OF INVESTIGATION

PERIOD COVERED: FROM JUNE 27, 2012 TO June 25, 2013

STATUS OF CASE: INVESTIGATION COMPLETE

JOINT AGENCIES: NONE

DISTRIBUTION: NONE

PREDICATION: On Wednesday, June 27, 2012, Assistant Inspector General Patrick Sullivan, U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations, received information provided by (b) (6), (b) (7)(C) regarding EPA Officials, to include CID management and political appointees interfering with an official CID investigation. During the conversation (b) (6), (b) (7)(C) raised concerns regarding EPA officials using political influence to improperly alter the charging decisions of the Department of Justice, in regards to a CID "Wetlands" investigation.

Based on the information provided, to include documentation detailing the events and activities of this matter, (b) (6), (b) (7)(C) requested the OIG provide (b) (6), (b) (7)(C) with "Whistle Blower" status (attachment 1).

DETAILS:

Allegation 1 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) were using political influence to improperly alter the charging decisions of the Department of Justice, in regards to a CID "Wetlands" investigation.

Allegation 1 Findings Based on the findings of the investigation, it was determined that there was no political influence used by (b) (6), (b) (7)(C) or any of the CID management to influence any decisions made by the Department of Justice in regards to a CID “wetlands” investigation.

DISPOSITION: The investigation disclosed the allegation was unfounded. The AUSA issued a (b) (5), (b) (7)(E) The case is closed.

Exhibits:

- 1) (b) (6), (b) (7)(C) allegation documentation, dated June 27, 2012

Attachment:

- 1) (b) (6), (b) (7)(C) allegation documentation, dated June 27, 2012



(b) (6), (b) (7)(C)

Exhibits:

1. Memorandum of Interview with (b) (6), (b) (7)(C) dated June 26, 2012.

Attachments:

Memorandum of Interview with (b) (6), (b) (7)(C) dated (b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 17 2014

THE INSPECTOR GENERAL

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C)
[REDACTED]

FROM: Arthur A. Elkins, Jr., Inspector General 

TO: Janet McCabe, Assistant Administrator (Acting), Office of Air and Radiation

REFERENCE: OIG Case Number OI-HQ-2013-ADM-0125

RESTRICTED INFORMATION

The United States Environmental Protection Agency (EPA), Office of Inspector General, initiated this investigation on September 13, 2013 based on information indicating that (b) (6), (b) (7)(C) may have been involved in possible employee misconduct in (b) (6), (b) (7)(C) previous position as (b) (6), (b) (7)(C) from approximately 2000 to 2010. The Office of Investigations analyzed time and attendance records, travel vouchers and conducted interviews regarding John C. Beale, Policy Advisor, OAR, an employee for whom (b) (6), (b) (7)(C) had administrative oversight for travel vouchers and time and attendance. The analysis revealed an indication that (b) (6), (b) (7)(C) approved or authorized the approval of fraudulent time and attendance and travel vouchers for Beale, from 2000 to 2010.

The enclosed report of investigation found evidence sufficient to substantiate that (b) (6), (b) (7)(C) engaged in employee misconduct. Specifically, this investigation found evidence to substantiate that (b) (6), (b) (7)(C) lack of due diligence as the Senior Executive responsible for Beale's time and attendance records and travel vouchers cost the Federal Government \$184,193.32.

This information is submitted for your consideration and decision as to whether administrative action is warranted. Please respond to the Assistant Inspector General for Investigations, Patrick Sullivan, in writing with your decision within 30 days of the receipt of this document. Please contact him with questions or for additional information, at (202) 566-0308 or by email at Sullivan.Patrick@epa.gov.

Attachment:

1. Report of Investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
EPA WEST BUILDING
WASHINGTON, DC 20004

APR 17 2014

CLOSING REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C)

OI-HQ-2013-ADM-0125

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Distribution:

Janet McCabe
Assistant Administrator (Acting)
Office of Air and Radiation
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
With Exhibits

Robert Perciasepe
Deputy Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Information Purposes Only- Without Exhibits

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

4/16/14

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2013-ADM-0125 **DATE OPENED:** 09/13/2013

CASE TITLE: (b) (6), (b) (7)(C) **LAST UPDATED:** 4/10/2014

CASE AGENT: (b) (6), (b) (7)(C)

CASE CATEGORY: EMPLOYEE INTEGRITY **OFFICE:** OFFICE OF INVESTIGATIONS - HEADQUARTERS

JOINT AGENCIES: NONE

JURISDICTION: DISTRICT OF WASHINGTON DC

SECTION A - NARRATIVE

Introduction

On June 10, 2013, the Environmental Protection Agency (EPA), Office of Inspector General, Office of Investigation (OI), determined that (b) (6), (b) (7)(C) may have been involved in possible employee misconduct in (b) (6), (b) (7)(C) previous position as (b) (6), (b) (7)(C) from approximately 2000 to 2010. OI analyzed time and attendance records, travel vouchers and conducted interviews regarding John C. Beale, Policy Advisor, OAR, an employee for whom (b) (6), (b) (7)(C) had administrative oversight for travel vouchers and time and attendance. The analysis revealed an indication that (b) (6), (b) (7)(C) approved or authorized the approval of fraudulent time and attendance and travel vouchers for Beale, from 2000 to 2010.

Beale admitted to travel voucher fraud and time and attendance fraud. (Exhibit 1-2) On September 27, 2013, Beale plead guilty to one (1) count of Title 18 USC § 641-Theft of public money, property or records in U.S. District Court for the District of Columbia. (Exhibit 3) On December 19, 2013, Beale was sentenced to thirty-two (32) months in prison and ordered to forfeit a money judgment of \$507,207.00. (Exhibit 4)

Synopsis

The investigation substantiated that (b) (6), (b) (7)(C) did not exercise due diligence with respect to the authorization and approval of Beale's time and attendance records and travel authorization (TA) and vouchers, and that this failure permitted Beale to carry out, unchecked, extensive time and attendance and travel voucher fraud.

Details

Issue 1: (b) (6), (b) (7)(C) authorized, approved, or permitted the authorization of excessive or improper travel vouchers for Beale.

Issue 1 Findings: Founded. The investigation disclosed that, from 2005 to 2007, (b) (6), (b) (7)(C) failed to exercise due diligence and permitted the authorization and approval of \$65,721.87 in excessive, improper, or fraudulent travel vouchers for Beale.

Issue 1 Investigative Results:

During an interview on March 7, 2013, (b) (6), (b) (7)(C) stated that, as (b) (6), (b) (7)(C) duties included handling the administrative aspects of OAR. (Exhibit 5) Interviewed on June 18, 2013, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) duties included that of travel approving official. (Exhibit 6)

During an interview on April 10, 2013, (b) (6), (b) (7)(C) who was an (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) office from (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was part of the approval process for Beale's travel. (Exhibit 7)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated Beale would often stay at hotels that exceeded the authorized lodging amount and he also always had a rental car during his trips. (b) (6), (b) (7)(C) raised concerns regarding Beale's expensive travel costs to (b) (6), (b) (7)(C) but (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that the expenses were authorized. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) would ask (b) (6), (b) (7)(C) if Beale could get some of the expenses like hotel and air fare cheaper and (b) (6), (b) (7)(C) would say "yes," but (b) (6), (b) (7)(C) would still allow the expenses to be processed and approved. (b) (6), (b) (7)(C) stated that many of Beale's vouchers exceeded \$20,000 for a single trip. (Exhibit 7)

During an interview on May 16, 2013, (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) ignored the concerns that (b) (6), (b) (7)(C) raised. (b) (6), (b) (7)(C) stated that Beale's travel was expensive because his back condition required him to fly business or first class for flights over two hours. (b) (6), (b) (7)(C) stated that questions were asked about how to make Beale's trips less expensive and they would sometimes try and see if Beale could move his travel to make it less expensive, but Beale would say his trips were very important and could not be moved. (Exhibit 8)

During the interview on June 18, 2013, (b) (6), (b) (7)(C) admitted (b) (6), (b) (7)(C) handled Beale's TAs and vouchers differently than others. (b) (6), (b) (7)(C) offered various explanations. (b) (6), (b) (7)(C) said Beale was held to a different standard because he was a Senior Leader who reported to the AA. (b) (6), (b) (7)(C) said it was hard to hold someone accountable who reports to the same boss; as peers they did not question each other. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) had a high level of trust that he was doing the right thing.

(b) (6), (b) (7)(C) assumed that when the TA got to (b) (6), (b) (7)(C) for approval it was okay. (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) did not normally review trip receipts, but relied on administrative staff to review specific trip details and receipts. (Exhibit 6) (b) (6), (b) (7)(C) stipulated that (b) (6), (b) (7)(C) did not review the receipts for the vouchers submitted by Beale. (Exhibits 5, 6, 8) The investigation revealed, however, that (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) position as the (b) (6), (b) (7)(C) was ultimately responsible for the authorization and approval of Beale's travel vouchers. The total amount of the vouchers authorized or approved by (b) (6), (b) (7)(C) for Beale from 2005 to 2007 is \$65,721.87.

In interviews and his plea agreement, Beale conceded and DOJ accepted that the vouchers mentioned below were fraudulent and not supported by appropriate and accurate receipts as required by federal travel regulations. Therefore, Beale agreed through the plea agreement negotiations to pay restitution for these fraudulent travel vouchers. (Exhibit 3) (b) (6), (b) (7)(C) as part of (b) (6), (b) (7)(C) duties as the (b) (6), (b) (7)(C) was responsible for ensuring Beale's vouchers were supported by appropriate receipts justifying claimed expenses.

The investigation disclosed that (b) (6), (b) (7)(C) authorized each of the following trips below. In addition, for the Seattle/Beijing trip, (b) (6), (b) (7)(C) approved the voucher. The vouchers for the other trips were approved by (b) (6), (b) (7)(C). During the June 18, 2013 interview, (b) (6), (b) (7)(C) was asked about these trips:

October 2005 – Seattle and Beijing

- a. Authorization Approving Official: (b) (6), (b) (7)(C) (09/18/2005, \$16,003.43)
- b. Voucher Approving Official: (b) (6), (b) (7)(C) (11/18/2005)
- c. Total Voucher for Trip: \$7,245.64 (Exhibit 9)

The receipts show that Beale got off the flight in LA and went to Bakersfield and never using the ticketed flights to Seattle and Beijing. (b) (6), (b) (7)(C) said Beale might have told (b) (6), (b) (7)(C) he canceled those parts of the trip, but (b) (6), (b) (7)(C) did not remember. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) knew he had family in Bakersfield and that he did talk about seeing them as part of his trips. (b) (6), (b) (7)(C) did not see anything unusual about adding personal portions to a trip as long as you do not charge per diem. (b) (6), (b) (7)(C) conceded that Beale should not have charged the government for the personal portions of his travel. (b) (6), (b) (7)(C) reiterated that in reviewing vouchers, (b) (6), (b) (7)(C) just looked at the big picture issues, not the specifics of the trip. (Exhibit 6)

December 2006 – London, England

- a. Authorization Approving Official: (b) (6), (b) (7)(C) (12/06/2006, \$14,720.52) & (b) (6), (b) (7)(C) (01/16/2007, \$18,119.32)
- b. Voucher Approving Official: (b) (6), (b) (7)(C) (02/01/2007)
- c. Total Voucher for Trip: \$17,857.72 (Exhibit 9)

The voucher identifies that Beale spent \$600 a night on lodging and over \$1,000 on taxis. (b) (6), (b) (7)(C) agreed that the lodging was very expensive and thought the government rate was not available for London. Beale told (b) (6), (b) (7)(C) the trip was important and worth the money. (b) (6), (b) (7)(C) did not take (b) (6), (b) (7)(C) concerns about Beale's expensive trips to his supervisor, the AA. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) told Beale he needed to travel more cheaply, but did not discuss specifics about room rates or taxi fares. (Exhibit 6)

2007 – London, Sweden, India, Los Angeles

- a. Authorization Approving Official: (b) (6), (b) (7)(C) (05/18/2007, \$25,781.44) & (b) (6), (b) (7)(C) (05/09/2007, \$26,504.66)
- b. Voucher Approving Official: (b) (6), (b) (7)(C) (06/01/2007)
- c. Total Voucher for Trip: \$36,103.51 (Exhibit 9)

The voucher identifies over \$37,000 in travel costs and the attached receipts showed that Beale was in Bakersfield rather than in Los Angeles. (b) (6), (b) (7)(C) did not review the receipts. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) relied on the administrative assistants to review the receipts. When reminded that (b) (6), (b) (7)(C) raised concerns about Beale's trips, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was not able to affect change in some areas (b) (6), (b) (7)(C) was concerned about. (Exhibit 6)

2007 – Seattle, Philadelphia, Boston

- a. Authorization Approving Official (b) (6), (b) (7)(C) (06/08/2007, \$2,926.95) & (b) (6), (b) (7)(C) (06/15/2007, \$5,432.75)
- b. Voucher Approving Official: (b) (6), (b) (7)(C) (08/17/2007)
- c. Total Voucher for Trip: \$4,515.00 (Exhibit 9)

The trip was ticketed for all three cities, but the receipts show that Beale only went to Los Angeles and stayed in Bakersfield. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was surprised that nobody brought this issue to (b) (6), (b) (7)(C) attention. (b) (6), (b) (7)(C) did not recall if (b) (6), (b) (7)(C) raised issues about this trip. (Exhibit 6)

Issue 2: (b) (6), (b) (7)(C) did not exercise due diligence with respect to the authorization and approval of Beale's time and attendance records.

Issue 2 Findings: Founded. The investigation disclosed that (b) (6), (b) (7)(C) failed to ensure accurate and complete time and attendance records for Beale from 2000 to 2010 even though (b) (6), (b) (7)(C) was aware of Beale's frequent absences from work and knew of his claims of working for the CIA.

Issue 2 Investigative Results:

During an interview on March 7, 2013, (b) (6), (b) (7)(C) stated that, as the (b) (6), (b) (7)(C) duties included handling the administrative aspects of OAR. (Exhibit 5)

During an interview on April 10, 2013, (b) (6), (b) (7)(C) stated that while (b) (6), (b) (7)(C) began to have concerns about Beale's time and attendance early on, since (b) (6), (b) (7)(C) rarely saw Beale in the office, (b) (6), (b) (7)(C) to put Beale in for eighty (80) hours of work for each pay period unless instructed otherwise. (b) (6), (b) (7)(C) stated that Beale never entered (b) (6), (b) (7)(C) time in the prescribed EPA time and attendance reporting system. (b) (6), (b) (7)(C) stated that when (b) (6), (b) (7)(C) brought (b) (6), (b) (7)(C) concerns about Beale's time and attendance to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated that Beale worked for EPA, but from a different location. (Exhibit 7)

(b) (6), (b) (7)(C), OAR, was interviewed on May 13, 2013. (b) (6), (b) (7)(C) (Exhibit 10) For some period of time before March 2008, (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) OAR. (Exhibit 11) (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) knew Beale was not around and that his time cards were getting approved. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was approving time cards for Beale, but (b) (6), (b) (7)(C) did not understand why because he was often absent. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that Beale worked for the CIA. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) never asked anyone else about it because (b) (6), (b) (7)(C) explained Beale's situation and (b) (6), (b) (7)(C) felt that was enough since (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). Additionally, (b) (6), (b) (7)(C) never saw anyone else questioning Beale about his whereabouts, so (b) (6), (b) (7)(C) assumed it was okay.

It was not a secret that Beale was gone a lot, however, (b) (6), (b) (7)(C) did not believe there was anything documenting the approval of his absences. (Exhibit 10)

During an interview on February 28, 2013, (b) (6), (b) (7)(C) OAR, stated that (b) (6), (b) (7)(C) took over the (b) (6), (b) (7)(C) for OAR from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated that when (b) (6), (b) (7)(C) took over as (b) (6), (b) (7)(C) for OAR (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) (b) (6) was responsible for signing Beale's time card and other OAR employees in the Immediate Office (IO) of OAR in People Plus each pay period. (b) (6), (b) (7)(C) (Exhibit 11)

The analysis and review of time and attendance records for Beale revealed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) approved time and attendance records for Beale from January 2008 to February 2013. (Exhibit 12)

During an interview on March 7, 2013, (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) was first told by (b) (6), (b) (7)(C) human resource division that Beale worked for the CIA, but (b) (6), (b) (7)(C) could not remember the (b) (6), (b) (7)(C) name. (b) (6), (b) (7)(C) stated that Beale also would tell (b) (6), (b) (7)(C) that he had to "go to Langley" to do work and had to travel for the CIA. (b) (6), (b) (7)(C) explained that over time Beale spent more time doing "Langley work" and was often out of the office. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) never questioned Beale's CIA work because based on the information provided to her (b) (6), (b) (7)(C) had no reason to doubt Beale's work for the CIA. (b) (6), (b) (7)(C) remembered that at one point Beale told (b) (6), (b) (7)(C) that the CIA wanted to compensate EPA for Beale's work with them. (b) (6), (b) (7)(C) explained that, as the (b) (6), (b) (7)(C) provided Beale the process for initiating an inter-agency agreement. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) never saw any official documentation and did not follow up on the inter-agency agreement issue since the Office of the Chief Financial Officer (OCFO), specifically (b) (6), (b) (7)(C), was handling this issue with Beale. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) did not ask for details regarding Beale's CIA work and agreements because (b) (6), (b) (7)(C) assumed it was true and the documents existed. (Exhibit 5)

On March 20, 2013 (b) (6), (b) (7)(C) Office of Administration and Resource Management (OARM) was interviewed. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) staff, to include (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) research (b) (6), (b) (7)(C) concerns regarding Beale's work agreement with the CIA. (b) (6), (b) (7)(C) stated that OARM did not have any records authorizing Beale's work with the CIA. (Exhibit 13)

Cost to the Government

Beale plead guilty on September 27, 2013 to one (1) count of Title 18 USC § 641-Theft of public money, property or records in U.S. District Court (Exhibit 3) and was subsequently sentenced on December 19, 2013 (Exhibit 4). Beale admitted that from 2000 to 2007 he fraudulently obtained pay and benefits from the Government for 107 days that he did not work for EPA under the lie that he was working with the CIA. Additionally, Beale admitted that he fraudulently obtained pay and benefits from the Government for six (6) months in 2008 under the same CIA lie. (Exhibit 14)

Year	Time Fraud	Beale's Annual Salary	Cost to the Government
2000	9 days	\$111,108.00	\$2,739.65
2001	15 days	\$119,191.00	\$4,898.26
2002	22 days	\$124,882.00	\$7,527.13
2003	14 days	\$130,209.00	\$4,994.32

2004	18 days	\$135,966.00	\$6,705.17
2005	25 days	\$141,006.00	\$9,657.95
2006	3 days	\$145,854.00	\$1,198.80
2007	1 day	\$149,051.20	\$408.36
2008	6 months	\$155,638.40	\$77,819.00
2009-2010 ¹	4.5 days	\$204,627.50	\$2,522.81

Total**\$118,471.45**

(Exhibits 14 & 15)

From 2000 until 2010, (b) (6), (b) (7)(C) directed staff and subordinates to approve the above fraudulently obtained pay and benefits through the time and attendance process having not validated Beale's CIA work costing the government \$118,471.45.

Issue 3: (b) (6), (b) (7)(C) lied to Special Agents during the Beale investigation.

Issue 3 Findings: Founded. The investigation disclosed that, during an interview conducted on June 18, 2013, (b) (6), (b) (7)(C) initially denied having spoken to other witnesses, but then admitted to it after having been confronted with the facts to the contrary.

Issue 3 Investigative Results: (b) (6), (b) (7)(C) was interviewed three times as part of the Beale criminal investigation: March 7, 2013, May 16, 2013, June 18, 2013. During the first two interviews (b) (6), (b) (7)(C) was advised not to speak to anyone regarding the ongoing criminal investigation into Beale's alleged misconduct. Prior to the June 18, 2013, Special Agents were notified by (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had approached (b) (6), (b) (7)(C) and discussed the specifics on what she provided Special Agents regarding Beale's misconduct. During the June 18, 2013 interview of (b) (6), (b) (7)(C) Special Agents asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) had spoken to anyone about the ongoing criminal investigation regarding Beale's misconduct. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had not discussed the ongoing criminal investigation with anyone. At the end of the interview, Special Agents asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) had been honest and forthright during the interview. (b) (6), (b) (7)(C) then admitted that (b) (6), (b) (7)(C) had talked to (b) (6), (b) (7)(C) about meeting with the investigators. (Exhibit 6)

Possible violations

1. EPA Policy Number 2540-08-P1-Time and Attendance Reporting
2. EPA ORDER 3120.1; Conduct & Discipline Manual, Appendix – Table of Penalties #16: Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding
3. EPA ORDER 3120.1; Conduct & Discipline Manual, Appendix – Table of Penalties #27: Forging or falsifying official Government records or documents

¹ The defense sentencing memorandum stipulates that Beale took off nine (9) days from 2009 to 2011, but does not provide exact dates. (b) (6), (b) (7)(C) in approximately 2010. Therefore due to the uncertainties of the specific dates Beale committed time and attendance fraud, the calculations for the years 2009-2011 used half of the nine (9) days and the average of Beale's salary for these years.

Impact/Dollar Loss

Violations of agency rules diminish the public trust, the integrity of the office, and employee morale. The dollar loss in this investigation is calculated as follows:

Vouchers	\$65,721.87
Time and Attendance	<u>\$118,471.45</u>
Total	\$184,193.32

Disposition

This Report of Investigation is being issued to Janet McCabe, Acting Assistant Administrator, OAR, for any administrative remedies or actions deemed appropriate.

SECTION B – PROSECUTIVE STATUS

ADMIN/CRIMINAL/CIVIL ACTION(S) **(b) (6), (b) (7)(C)**

This case was investigated as a purely administrative matter. As such, no criminal declination was sought or received from the United States Attorney's Office. This Report of Investigation is being issued to Janet McCabe, Acting Assistant Administrator, OAR, for any administrative remedies or actions deemed appropriate.

EXHIBITS

DESCRIPTION	EXHIBIT
Memorandum of Interview – John C. Beale, June 14, 2013	1
Memorandum of Interview – John C. Beale, July 18, 2013	2
Department of Justice's Plea Agreement for John C. Beale, September 27, 2013	3
Department of Justice's Sentencing Report for John C. Beale, December 19, 2013	4
Memorandum of Interview – (b) (6), (b) (7)(C), March 7, 2013	5
Memorandum of Interview – (b) (6), (b) (7)(C), June 18, 2013	6
Memorandum of Interview – (b) (6), (b) (7)(C), April 10, 2013	7
Memorandum of Interview – (b) (6), (b) (7)(C), May 16, 2013	8
Memorandum of Activity – John C. Beale's Travel Vouchers	9
Memorandum of Interview – (b) (6), (b) (7)(C), May 13, 2013	10
Memorandum of Interview – (b) (6), (b) (7)(C), February 28, 2013	11
John C. Beale's Time and Attendance Records, 2008-2012	12
Memorandum of Interview – (b) (6), (b) (7)(C), March 20, 2013	13
John C. Beale's Defense Sentencing Memorandum, December 9, 2013	14
(b) (6), (b) (7)(C) Memorandum, John C. Beale Pay Issues, March 14, 2013	15



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: APRIL 9, 2014

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2014-ADM-0032

CROSS REFERENCE #: HOTLINE
COMPLAINT 2014-016

TITLE: (b) (6), (b) (7)(C)

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON DC	

COMPLAINT:

On November 14, 2013, the Environmental Protection Agency (EPA), Office of Inspector General (OIG) Hotline, received a complaint from an anonymous source regarding EPA employee (b) (6), (b) (7)(C)

The source advised that (b) (6), (b) (7)(C) was having (b) (6), (b) (7)(C) staff park (b) (6), (b) (7)(C) car, take (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) bring (b) (6), (b) (7)(C) lunch and other duties not consistent with official work duties at EPA.

BACKGROUND:

It was confirmed that (b) (6), (b) (7)(C) was an (b) (6), (b) (7)(C) and an (b) (6), (b) (7)(C) immediate supervisor was (b) (6), (b) (7)(C) Collected investigatory information substantiated allegations that (b) (6), (b) (7)(C) was having EPA employees, who reported to (b) (6), (b) (7)(C), conduct activities that were outside the scope of their official duties and directly assisted (b) (6), (b) (7)(C) in personal activities. After being interviewed and admitting to having employees park (b) (6), (b) (7)(C) car and get (b) (6), (b) (7)(C) lunch and snacks, (b) (6), (b) (7)(C) retired from Federal service on (b) (6), (b) (7)(C)

INVESTIGATIVE FINDINGS:

In an interview on January 10, 2014, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) witnessed (b) (6), (b) (7)(C) exit from (b) (6), (b) (7)(C) privately owned vehicle and have one of (b) (6), (b) (7)(C) employees park (b) (6), (b) (7)(C) car in the EPA parking garage. (b) (6), (b) (7)(C)

stated that (b) (6) formally counseled (b) (6), (b) (7)(C) on this practice and requested that (b) (6), (b) (7)(C) stop engaging in such activities.

On January 24, 2014, (b) (6), (b) (7)(C) was interviewed and admitted to having EPA employees who work for (b) (6), (b) (7)(C) park (b) (6), (b) (7)(C) car and do activities that were outside the scope of their official duties as EPA employees. (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) did not find anything wrong with (b) (6), (b) (7)(C) requests since it appeared that (b) (6), (b) (7)(C) employees did them voluntarily. At the conclusion of the interview (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) would be retiring from Federal service in (b) (6), (b) (7)(C).

The OIG was notified that (b) (6), (b) (7)(C) retired from Federal service on (b) (6), (b) (7)(C).

RECOMMENDATION:

The investigation revealed that the allegations against (b) (6), (b) (7)(C) were substantiated. However, (b) (6), (b) (7)(C) retirement from Federal service prevented the EPA OIG and the EPA from administratively pursuing (b) (6), (b) (7)(C) wrong doing. The OIG found no evidence that suggested criminal wrong doing on the part of (b) (6), (b) (7)(C).

This case is closed with no further action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: SEPTEMBER 22, 2015

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2014-ADM-0041

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATION:

1. EPA Policy Number 2540-08-P1- Time and Attendance Reporting
2. EPA Order 3120.1; Conduct & Discipline Manual, Appendix-Table of Penalties #16: Deliberate misrepresentation, falsification, concealment or withholding of material fact, or refusal to testify or cooperate in an official proceeding
3. EPA Order 3120.1; Conduct & Discipline Manual, Appendix-Table of Penalties #27: Forging or falsifying official Government records or documents

ALLEGATION: (b) (6), (b) (7)(C)

falsely approved and signed time sheets for an employee (b) (6), (b) (7)(C)

Allegedly, (b) (6), (b) (7)(C) direct supervisor, has been approving (b) (6), (b) (7)(C) time and attendance sheets certifying that (b) (6), (b) (7)(C) was working. Additionally, (b) (6), (b) (7)(C) had allegedly not signed (b) (6), (b) (7)(C) Performance Appraisals (Exceeds Fully Successful) for (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) had been (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

FINDINGS:

The investigation uncovered that (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) and had been in a (b) (6), (b) (7)(C) and unable to do (b) (6), (b) (7)(C) EPA duties even though (b) (6), (b) (7)(C) was still paid (b) (6), (b) (7)(C) salary for over a year. (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) was aware that (b) (6), (b) (7)(C) was not doing any substantive work and was in an (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) also admitted that (b) (6), (b) (7)(C) facilitated the continuation of pay and benefits even though (b) (6), (b) (7)(C) was aware that (b) (6), (b) (7)(C) was not able to do (b) (6), (b) (7)(C) EPA duties.

DISPOSITON:

On July 29, 2014, the facts of this investigation were presented to Assistant United States Attorney (AUSA) Adi Goldstein (Goldstein), Chief of Criminal Division, United States Attorney's Office, District of Rhode Island, for possible criminal prosecution. After being presented with the facts of the investigation, Goldstein indicated that based upon the current facts of the investigation the AUSA's office declined prosecution.

As a result of this OIG investigation, (b) (6), (b) (7)(C) retired from Federal service on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) retired from Federal service on (b) (6), (b) (7)(C)

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: SEPTEMBER 29, 2015

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-ADM-0085

CROSS REFERENCE #: COMP 2015-112

TITLE: (b) (6), (b) (7)(C)

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON DC	

COMPLAINT:

On 23 March, 2015, Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), Hotline received an electronic message from (b) (6), (b) (7)(C)

The email message alleged potential violation of 18 U.S.C. 207, One Year Restrictions on Certain Senior Personnel of the Executive Branch and Independent Agencies, by (b) (6), (b) (7)(C)

EPA.

BACKGROUND:

As referenced in the Hotline complaint, (b) (6), (b) (7)(C) may have violated 18 U.S.C. 207 (c) by not adhering to the one year waiting period, or "cooling off" period for outside employment. (b) (6), (b) (7)(C) contacted several former co-workers at the EPA to invite them to speak in their official capacity, at a conference that (b) (6) was organizing for (b) (6), (b) (7)(C) outside working group. (b) (6), (b) (7)(C) does not believe that (b) (6), (b) (7)(C) actions constitute a violation of 18 U.S.C 207, and has emailed a response to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) continues to explain how 18 U.S.C. 207 (c) applies to (b) (6), (b) (7)(C) actions when (b) (6), (b) (7)(C) makes contact with (b) (6), (b) (7)(C) with respect to (b) (6), (b) (7)(C) notification of (b) (6), (b) (7)(C) violation.

INVESTIGATIVE FINDINGS:

On June 25, 2015, SA [REDACTED] met with [REDACTED] to discuss the reported violations by [REDACTED] and was able to provide clarity and on the violations and clarification with respect to (b) (6), (b) (7)(C)

On June 26, 2015, SA [REDACTED] initiated a case on [REDACTED]. After reviewing [REDACTED] actions in question, it was determined that [REDACTED] did in fact violate 18 U.S.C. 207 (c) by not adhering to the one year waiting period, or “cooling off” period for outside employment. On June 30, 2015, SA [REDACTED] presented the facts and findings of the investigation for criminal prosecution to AUSA Michael Atkinson (Atkinson), Deputy Chief, Fraud and Public Corruption Section, United States Attorney’s Office, District of Columbia. AUSA Atkinson declined the case for prosecution.

On July 06, 2015, [REDACTED] a written notification (Attachment 1) to [REDACTED] new employer, detailing [REDACTED] actions. This was in response because of the AUSA’s office move for declination, and as a courtesy to alert [REDACTED] new employer to [REDACTED] questionable behavior.

RECOMMENDATION:

The investigation revealed that the allegations against [REDACTED] were substantiated. However, because the AUSA’s office declined prosecution, there will be no criminal remedy. Additionally, because [REDACTED] is no longer an employee of the EPA, there is no administrative remedy available. If additional information is discovered, or if provided by an outside source, OI will assess such information and take appropriate action.

This case is closed with no further action.

Attachment(s)

- 1) [REDACTED] notice to [REDACTED] new employer



[REDACTED] -- close
out of case.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 19 2012

THE INSPECTOR GENERAL

Mr. Craig E. Hooks
Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Subject: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Reference: OIG Case No. OI-HQ-2012-ADM-0009

RESTRICTED INFORMATION

The United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) initiated this investigation based on information provided to Special Agent (SA) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA OIG Office of Investigations, regarding allegations of employee misconduct, specifically, violation(s) of: EPA ORDER 3120.1 (4) Conduct & Discipline Manual Appendix - Offenses related to Intoxicants; U.S. General Services Administration (GSA) Code of Federal Regulations (CFR), 41 CFR § 102-74.405: Public Contracts and Property Management, Federal Management Regulation, Conduct on Federal Property; and Title 5 CFR Part 2635.702, Standards of Ethical Conduct for Employees of the Executive Branch, Subpart G - Misuse of Position, Use of public office for private gain.

According to the allegations, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), violated the aforementioned EPA and GSA policies through unauthorized possession and use of alcoholic beverages while on government property. The allegations also included inappropriate behavior and misuse of position (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) staff for personal matters, and an ongoing relationship with an EPA employee in (b) (6), (b) (7)(C). Enclosed is a report of investigation and exhibits relating to the conduct of (b) (6), (b) (7)(C).

The enclosed report of investigation discloses that on more than one occasion, (b) (6), (b) (7)(C) violated EPA Order 3120.1(4) and GSA 41 CFR § 102-74.405. During an interview of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) admitted to (b) (6), (b) (7)(C) unauthorized possession and unauthorized use of alcoholic beverages while on government premises.

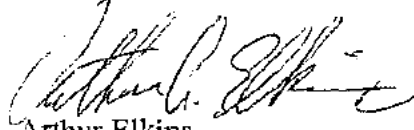
The investigation did not disclose violations of Title 5 CFR Part 2635.702 in regards to allegations of (b) (6), (b) (7)(C) using (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) staff for personal matters. The investigation confirmed (b) (6), (b) (7)(C) personal relationship with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C).

JUN 19 2012

(b) (6), (b) (7) however, the investigation did not disclose any misconduct by either individual as it relates to official government travel or fraudulent travel authorizations/vouchers.

This information is submitted for your consideration and decision as to whether administrative action is warranted. Please respond to the Office of Investigation, in writing, with your decision within 30 days of the receipt of this document. Please contact Assistant Inspector General Patrick F. Sullivan, Office of Investigations, with questions or for additional information, at (202) 566-0308 or by email at Sullivan.Patrick@epa.gov.

Sincerely,



Arthur Elkins

Enclosure: Report of investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
EPA WEST BUILDING
WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C)

OI-HQ-2012-ADM-0009

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Narrative	Section A
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Prosecutive Status	Section C
Exhibits	

Distribution:

Craig E. Hooks
Assistant Administrator
Office of Administration and Resources
Management
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Submitted by:

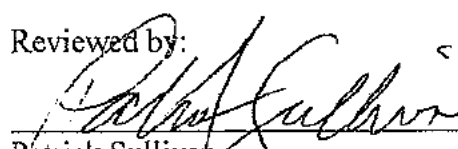
(b) (6), (b) (7)(C)

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:


Patrick Sullivan
Assistant Inspector General
Office of Investigations



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
EPA WEST BUILDING
WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C)

OI-HQ-2012-ADM-0009

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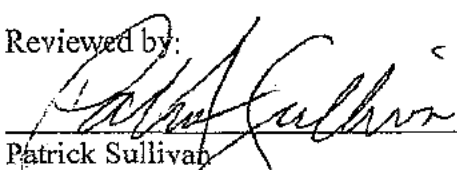
(b) (6), (b) (7)(C)

Approved by:

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:


Patrick Sullivan
Assistant Inspector General
Office of Investigations

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2012-ADM-0009 **DATE OPENED:** 10/28/2011

CASE TITLE: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) **CASE AGENT:** (b) (6), (b) (7)(C)

CASE CATEGORY: EMPLOYEE INTEGRITY **OFFICE:** OFFICE OF INVESTIGATIONS - HEADQUARTERS

JOINT AGENCIES: None

JURISDICTION: (b) (6), (b) (7)(C)

SECTION A - NARRATIVE

Predication

On (b) (6), (b) (7)(C), the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), took receipt of a document alleging employee misconduct by (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C). According to the document, (b) (6), (b) (7)(C) hard liquor in (b) (6), (b) (7)(C) office, which (b) (6), (b) (7)(C) consumes with other employees, and leaves empty bottles and plastic cups in the trash when finished. The document alleges that (b) (6), (b) (7)(C) continually requests that (b) (6), (b) (7)(C) staff help (b) (6), (b) (7)(C) with projects (b) (6), (b) (7)(C)

The document alleges that (b) (6), (b) (7)(C) has recently engaged in improper relations with a female employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Possible violations:

1. EPA ORDER 3120.1 (4) Conduct & Discipline Manual Appendix - Offenses related to Intoxicants
2. U.S. General Services Administration (GSA) Code of Federal Regulations (CFR), 41 CFR § 102-74.405: Public Contracts and Property Management, Federal Management Regulation, Conduct on Federal Property

3. Title 5 CFR Part 2635.702, Standards of Ethical Conduct for Employees of the Executive Branch, Subpart G - Misuse of Position, Use of public office for private gain

Impact/Dollar Loss

Violation of GSA and agency rules could diminish the public trust, the integrity of the office and employee morale.

Synopsis

The investigation disclosed that (b) (6), (b) (7)(C) violated EPA Order 3120.1(4), Offenses related to intoxicants and GSA 41 CFR § 102-74.405 (consumption of alcohol on federal property). During an interview of (b) (6), (b) (7)(C) (b) (6) admitted to (b) (6), (b) (7)(C) unauthorized possession and unauthorized use of alcoholic beverages while on government premises. During the aforementioned interview, (b) (6), (b) (7)(C) stated that (b) (6) never obtained a waiver and never asked (b) (6), (b) (7)(C) superiors for permission to maintain or consume alcoholic beverages on government property. (b) (6), (b) (7)(C) stated that had (b) (6) known that maintaining alcohol on government property was a violation, (b) (6) would have gotten rid of the alcohol a long time ago, and (b) (6) never would have brought any other alcohol to (b) (6), (b) (7)(C) office.

The investigation did not disclose any inappropriate behavior or misuse of position by (b) (6), (b) (7)(C) in regards to the allegations of (b) (6), (b) (7)(C) using (b) (6), (b) (7)(C) staff to help (b) (6), (b) (7)(C)

The investigation confirmed (b) (6), (b) (7)(C) personal relationship with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) however, the investigation did not disclose any misconduct by either individual as it relates to official government travel or fraudulent travel authorizations/vouchers.

Details

Allegation 1:

On (b) (6), (b) (7)(C), EPA OIG received an anonymously authored document alleging employee misconduct by (b) (6), (b) (7)(C). According to the document (b) (6), (b) (7)(C) liquor in (b) (6), (b) (7)(C) office, which (b) (6) consumes with other employees, and leaves empty bottles and plastic cups in the trash when finished.

1. Violation of EPA ORDER 3120.1 (4) Conduct & Discipline Manual Appendix - Offenses related to Intoxicants
2. Violation of GSA 41 CFR § 102-74.405: Public Contracts and Property Management, Federal Management Regulation, Conduct on Federal Property

Allegation 1 Findings:

On October 20, 2011, Special Agent in Charge (SAC) (b) (6), (b) (7)(C) and SAC (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) regarding allegations of employee misconduct committed by (b) (6), (b) (7)(C) while in (b) (6), (b) (7)(C) official capacity as the (b) (6), (b) (7)(C).

During the course of the interview, SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) agents noticed that there were four bottles of alcohol (liquor) located on the second shelf from the top of the cabinet. At this point, SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) was storing alcoholic beverages in (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) replied, "Yes." SAC (b) (6), (b) (7)(C) then asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) knew that maintaining alcohol in (b) (6), (b) (7)(C) office was illegal. (b) (6), (b) (7)(C) replied, "No." SAC (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that it is a violation to maintain and consume alcohol on government property without appropriate approval.

The alcoholic beverages were identified as follows:

- 1 bottle of Schenley Vodka
- 1 bottle of Bacardi Superior Rum
- 1 bottle of Cockspur Old Gold Rum
- 1 bottle of Dewar's White Label Blended Scotch Whisky

(b) (6), (b) (7)(C) SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) how often and with whom (b) (6), (b) (7)(C) consumed the alcohol. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) along with staff members (b) (6), (b) (7)(C) drank the alcohol; however, this was not an everyday occurrence. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) and the aforementioned colleagues might drink the alcohol every 6 weeks to 2 months, after hours. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) never obtained a waiver and that (b) (6), (b) (7)(C) never asked (b) (6), (b) (7)(C) superiors for permission to maintain or consume the alcohol. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was familiar with the waiver because (b) (6), (b) (7)(C) had signed it for other employees, but (b) (6), (b) (7)(C) did not know that it was a requirement for maintaining the alcohol in (b) (6), (b) (7)(C) office. SAC (b) (6), (b) (7)(C) reviewed the relevant section of 41 CFR 102-74.405 (Public Contracts and Property Management, Federal Management Regulation, Conduct on Federal Property):

Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.

After reviewing the regulation, (b) (6), (b) (7)(C) stated that had (b) (6), (b) (7)(C) known that maintaining alcohol on government property was a violation, (b) (6), (b) (7)(C) would have gotten rid of the alcohol a long time ago, and (b) (6), (b) (7)(C) would never have brought any other alcohol to (b) (6), (b) (7)(C) office.

(b) (6), (b) (7)(C) provided SAC (b) (6), (b) (7)(C) a hand-written note listing individuals that (b) (6), (b) (7)(C) stated that, to (b) (6), (b) (7)(C) best recollection, (b) (6), (b) (7)(C) poured drinks for; however, (b) (6), (b) (7)(C) was not absolutely certain as to who consumed,

and (b) (6), (b) (7)(C) did not want to say someone actually drank if they possibly did not (Exhibit 1). (b) (6), (b) (7)(C) stated that when (b) (6), (b) (7)(C) consumed alcohol with others, it was always after hours, and it was to celebrate a significant work accomplishment. (b) (6), (b) (7)(C) stated that the drinking was ceremonial, not for after-hours parties. The hand-written note included the following information:

Number of Occasions	Individuals Name	Duty Location	Title
1 or 2 (post retirement)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
1	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
1 or 2	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
1	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
1	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
1	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

On December 2, 2011, SAC (b) (6), (b) (7)(C) and SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) regarding alleged employee misconduct by (b) (6), (b) (7)(C). SAC (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) that during the interview of (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) consumed alcohol with (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) office at (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did this approximately 5 to 7 times. (b) (6), (b) (7)(C) stated that they drank single malt scotch.

SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) when the last time he drank alcohol in (b) (6), (b) (7)(C) office was. (b) (6), (b) (7)(C) stated that it was sometime in the last 6 months, probably 3 months ago. SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) drank the alcohol to celebrate something or if they drank it for some special occasion. (b) (6), (b) (7)(C) stated that they drank to wind down at the end of the day.

SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if he was familiar with the federal regulations regarding use of alcohol on government property. (b) (6), (b) (7)(C) stated, "Not explicitly. No." SAC (b) (6), (b) (7)(C) reviewed the relevant section of 41 CFR 102-74.405 (Public Contracts and Property Management, Federal Management Regulation, Conduct on Federal Property):

Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.

SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) knew whether (b) (6), (b) (7)(C) received approval or obtained a waiver to consume alcohol in (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not know.

During the course of this interview, it was discovered that (b) (6), (b) (7)(C) had a bottle of Jameson Irish Whisky in (b) (6), (b) (7)(C) office (Exhibit 2).

On December 12, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) regarding the allegations against (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) is just above (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has never consumed alcohol in (b) (6), (b) (7)(C) office; however, (b) (6), (b) (7)(C) is aware that (b) (6), (b) (7)(C) has liquor in (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) stated that on one occasion (b) (6), (b) (7)(C) had did have a small "shot size" glass of liquor, about a year ago, in (b) (6), (b) (7)(C) office. This occasion was in celebration of (b) (6), (b) (7)(C) was after hours. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were the only people in attendance. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not consume any other alcoholic beverages in the office (Exhibit 3).

On December 12, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was aware (b) (6), (b) (7)(C) kept alcohol in (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) was not aware of the amount or how many bottles. (b) (6), (b) (7)(C) stated that about one to two years ago, (b) (6), (b) (7)(C) was celebrating some sort of victory after hours and (b) (6), (b) (7)(C) poured a small drink for everyone to toast. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did have a small nibble of a drink for the toast but nothing more. The individuals that were present at the celebration were all (b) (6), (b) (7)(C). (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not keep alcohol in (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had no concerns regarding (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) official duties, as (b) (6), (b) (7)(C) has never seen (b) (6), (b) (7)(C) consume on the job. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has known (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) predecessor kept alcohol in the office where (b) (6), (b) (7)(C) is located and (b) (6), (b) (7)(C) believes most of the alcohol was just inherited (b) (6), (b) (7)(C) (Exhibit 4).

On December 12, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has never seen (b) (6), (b) (7)(C) consume alcohol nor has (b) (6), (b) (7)(C) ever consumed alcohol while on official duties. There was a celebration after hours with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) about one to two years ago but (b) (6), (b) (7)(C) could not recall if (b) (6), (b) (7)(C) consumed any alcohol or if any of the other staff consumed any as well. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) is a very ethical employee (b) (6), (b) (7)(C) (Exhibit 5).

On December 21, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) regarding the allegations against (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) so (b) (6), (b) (7)(C) does not have a lot of direct interaction with (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has had (b) (6), (b) (7)(C) whom (b) (6), (b) (7)(C) personally knows, come to (b) (6), (b) (7)(C) and tell (b) (6), (b) (7)(C) about the strong odor of alcohol coming from (b) (6), (b) (7)(C) office, on numerous occasions. (b) (6), (b) (7)(C) could then walk into (b) (6), (b) (7)(C) office and would find paper cups in the trash that smelled of alcohol. (b) (6), (b) (7)(C) stated that other people have been disciplined for drinking on campus, but (b) (6), (b) (7)(C) has not observed the drinking in (b) (6), (b) (7)(C) office, just the trash left behind. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) knows (b) (6), (b) (7)(C) has also had alcohol in (b) (6), (b) (7)(C) office (Exhibit 6).

On December 22, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) has been employed with EPA since (b) (6), (b) (7)(C) and has spent the last (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has consumed alcohol in (b) (6), (b) (7)(C) office no more than 6 times. (b) (6), (b) (7)(C) provided names of others that have consumed alcohol in (b) (6), (b) (7)(C) office: (b) (6), (b) (7)(C) (Exhibit 7).

On December 23, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) acknowledged that (b) (6), (b) (7)(C) was aware of the fact that (b) (6), (b) (7)(C) has alcohol in (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) consumed alcohol approximately 6 months ago in (b) (6), (b) (7)(C) office, along with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that if (b) (6), (b) (7)(C) recalled correctly, (b) (6), (b) (7)(C) stated that everyone had one small plastic cup of Scotch. One other time, approximately 8–12 months ago, when (b) (6), (b) (7)(C) was not at the office, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) went into (b) (6), (b) (7)(C) office and all had a drink together. (b) (6), (b) (7)(C) stated that there have been no other occasions that (b) (6), (b) (7)(C) has had alcohol at the office (Exhibit 8).

On February 27, 2012, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) above (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has not seen any alcohol in (b) (6), (b) (7)(C) office, has not consumed any alcohol in (b) (6), (b) (7)(C) office, and does not have any alcohol at (b) (6), (b) (7)(C) desk.

(b) (6), (b) (7)(C) stated that the only person that told (b) (6), (b) (7)(C) they had consumed alcohol in (b) (6), (b) (7)(C) office was (b) (6), (b) (7)(C) and that occasion was for an afterhours celebration. (b) (6), (b) (7)(C) discuss drinking afterhours, but could not recall any names. (b) (6), (b) (7)(C) assumed drinking alcohol by (b) (6), (b) (7)(C) was a typical thing and never thought anything of it (Exhibit 9).

On February 28, 2012, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was aware of (b) (6), (b) (7)(C) keeping alcohol in (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has consumed alcohol in (b) (6), (b) (7)(C) office; specifically, on (b) (6), (b) (7)(C) after hours and after the event was over. (b) (6), (b) (7)(C) stated that several other people were also present, but (b) (6), (b) (7)(C) could only recall (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) has not consumed alcohol since that time (Exhibit 10).

Allegation 2:

Violation of Title 5 CFR Part 2635.702, Standards of Ethical Conduct for Employees of the Executive Branch, Subpart G – Misuse of Position, Use of public office for private gain.

It is alleged that (b) (6), (b) (7)(C) inappropriately requested (b) (6), (b) (7)(C) staff help (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) It is alleged that (b) (6), (b) (7)(C) has engaged in an improper relationship with a female employee of the EPA (b) (6), (b) (7)(C) to include possible travel authorization/voucher fraud related to (b) (6), (b) (7)(C).

Allegation 2 Findings:

(b) (6), (b) (7)(C):

During the interview on October 20, 2011, (b) (6), (b) (7)(C) was asked whether (b) (6) had asked any EPA employees to help (b) (6), (b) (7)(C)

(Exhibit 11).

On November 28, 2011, SA (b) (6), (b) (7)(C) spoke telephonically with (b) (6), (b) (7)(C)

(Exhibit 12).

During the interview on December 21, 2011, (b) (6), (b) (7)(C) stated that (b) (6) overheard (b) (6), (b) (7)(C)(C)

(Exhibit 6).

On February 2, 2012, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C)

(Exhibit 13).

(b) (6), (b) (7)(C)

During the interview on October 20, 2011, (b) (6), (b) (7)(C) was asked whether he ever asked an EPA employee to (b) (6), (b) (7)(C)

(Exhibit 1).

October 24, 2011, (b) (6), (b) (7)(C) e-mailed SAC (b) (6), (b) (7)(C) stating that (b) (6), (b) (7)(C)

(Exhibit 11).

On November 29, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(Exhibit 14).

On November 29, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(Exhibit 15).

(b) (6), (b) (7)(C):
During the October 20, 2011, interview, (b) (6), (b) (7)(C) was asked whether (b) (6) had ever asked EPA employees to build or help (b) (6), (b) (7)(C)
(Exhibit 1).

On October 24, 2011, (b) (6), (b) (7)(C) e-mailed (b) (6), (b) (7)(C)
(Exhibit 11).

(b) (6), (b) (7)(C)
During the October 20, 2011 interview, (b) (6), (b) (7)(C) was asked whether (b) (6) had ever asked EPA staff to help (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(Exhibit 1).

On October 21, 2011, (b) (6), (b) (7)(C) e-mailed (b) (6), (b) (7)(C)
(Exhibit 11).

On November 30, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C)
(Exhibit 16).

On December 21, 2011, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) witnessed (b) (6), (b) (7)(C) (Exhibit 6).

(b) (6), (b) (7)(C) :
On October 20, 2011, SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) had ever asked EPA staff to help (b) (6), (b) (7)(C) (Exhibit 1).

On October 21, 2011, (b) (6), (b) (7)(C) e-mailed SAC (b) (6), (b) (7)(C) stating that (b) (6), (b) (7)(C) (Exhibit 11).

During an interview on December 21, 2011, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) knew (b) (6), (b) (7)(C) employee, was asked to (b) (6), (b) (7)(C) (Exhibit 6).

During an interview on February 27, 2012, (b) (6), (b) (7)(C) (Exhibit 9).

Relationship with (b) (6), (b) (7)(C):

During the interview on October 20, 2011, (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had been formally (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) for approximately (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

SAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) ever traveled together while on official duty. (b) (6), (b) (7)(C)

During an interview on February 28, 2012, (b) (6), (b) (7)(C) stated that has heard that (b) (6), (b) (7)(C) (Exhibit 10).

On March 5, 2012, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C)

(Exhibit 17).

GovTrip Travel Records Analysis:

On December 28, 2011, SA (b) (6), (b) (7)(C) performed an analysis on GovTrip travel records for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) GovTrip records covered July 9, 2008, through December 14, 2011. (b) (6), (b) (7)(C) travel records span from October 17, 2007, through October 7, 2010 (b) (6), (b) (7)(C)

The travel records analysis did not disclose that the aforementioned individuals traveled with each other over the periods reviewed (Exhibit 18).

Disposition

This Report of Investigation is being issued to Craig E. Hooks, Assistant Administrator, OARM, for any administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)

Title & Company: (b) (6), (b) (7)(C)

Role: Subject

Business Address: (b) (6), (b) (7)(C)

Business Phone: (b) (6), (b) (7)(C)

EPA Employee: Y

SECTION C – PROSECUTIVE STATUS

ADMIN/CRIMINAL/CIVIL ACTION(S): (b) (6), (b) (7)(C)

This Report of Investigation is being issued to Craig E. Hooks, Assistant Administrator, OARM, for any administrative remedies or actions deemed appropriate.

This investigation revealed no potential criminal violations; therefore, the Department of Justice, United States Attorney's Office was not contacted regarding this matter.

EXHIBITS

DESCRIPTION	EXHIBIT
Memorandum of Interview (b) (6), (b) (7)(C)	1
Memorandum of Interview	2
Memorandum of Interview	3
Memorandum of Interview	4
Memorandum of Interview	5
Memorandum of Interview	6
Memorandum of Interview	7
Memorandum of Interview	8
Memorandum of Interview	9
Memorandum of Interview	10
Memorandum of Activity -	11
Memorandum of Interview	12
Memorandum of Interview	13
Memorandum of Interview	14
Memorandum of Interview	15
Memorandum of Interview	16
Memorandum of Interview	17
Memorandum of Activity -	18